

Minutes of the November 10, 1999 Public Meeting of Advisory Neighborhood Commission 2B (Dupont Circle)

Chairman Pitsor called the meeting to order at 7:35 p.m. Commissioners King, Micone, Jackson, DeHart and Newton were present. Commissioner Shannon was out of town.

ADMINISTRATIVE MATTERS The minutes of the October, 1999 meeting were approved as distributed.

Commissioner DeHart distributed the 4th Quarter Treasurer's Report and summarized the details for the audience. Commissioner Jackson moved and Commissioner Newton seconded that the report be accepted. The motion passed unanimously.

Commissioner Pitsor reviewed the 1999 Annual Report that was previously distributed to the commissioners. Commissioner Newton moved and Commissioner Micone seconded that the report be accepted. The motion passed unanimously.

POLICE AND CRIME REPORTS

The Third District was represented by Commander Acosta and Lt. Tagliaferro. Lt. Tagliaferro reported that overall crime was down 40% over the same period as last year and down 20% year-to-date. The greatest problem now is robberies. The Third District will have officers on special overtime details during the Christmas shopping season since it proved helpful in past years. The officers felt the High Heel Race was successful and asked for public comment. Greg DuRoss suggested that the course be lengthened to allow the crowd to spread out more. Mr. DuRoss also suggested more use of email to publicize crime problems.

Judith DeLeon asked about the impact in the Third District from staffing changes dictated by Chief Ramsey and was especially concerned about loss of bike officers. Commander Acosta reported that the Third District should receive more officers during December promotions to fill vacancies created by recent shift changes. Many of the changes were dictated by the union contract and officer seniority. Commissioner Pitsor pointed out that there had been numerous changes in the Third District since the PSA plan was implemented despite a guideline that officers should remain in positions for a minimum of 2 years. Cmdr. Acosta responded that some officers had requested changes, that all teams want the best and therefore some give and take is inevitable.

The Second District written report was accepted without comment.

OPEN FORUM

Chairman Pitsor reported that as part of the Mayor's Neighborhood Action plan, a Citizens Summit would take place on November 20 at the Convention Center from 9 am to 4 pm. Resident Greg DuRoss added that he would be a facilitator and the summit would be used to develop a strategic plan for budgeting neighborhood services.

Chairman Pitsor reported that the Dept. of Interior has allocated \$200,000 for improvements to Dupont Circle Park and that the University of California has donated \$25,000. The Park Service will be at the December meeting to discuss future improvements in the park.

Chairman Pitsor reported DPW has started leaf collection and gave the dates for ANC 2B. Judy Werdele asked if anyone had seen any evidence of collections. No one responded.

Desmond Foyne announced there would be a Campus Plan Symposium on November 16, 7 pm at Sumner School.

Catherine Talmadge of Corcoran Street asked if the ANC knew of a program by the mayor to make neighborhoods more friendly to embassies. She was concerned that many embassies currently disobey laws and therefore should not receive special treatment.

Commissioner Micone reported that the next meeting of the Dupont Circle Parking Task Force would be on November 23 at 6:30 pm at the Women's National Democratic Club. The primary agenda item would be development of policy to approach future changes.

ISSUES

- 1. Phillips' Collection, 21st and Q Sts.** Mr. Mazdak reported that the structure and soil tests were still in progress as are the traffic and parking studies. They are discussing with the Cosmos Club of possibly expanding the underground parking to the Cosmos property. He is still working on answers to ANC questions from the last meeting and the architects are working on the architectural features to lessen the institutional appearance and make the building more compatible with surrounding residential buildings. There will be a meeting on November 19 from 6:30 pm to 8:30 pm for the neighborhood to discuss the details of the project. HPRB and the ANC will discuss the project at their December meetings. Commissioner Micone commended the Museum on the design process and the level of community notification.
- 2. JR's Bar and Grill, 1519 17th St.** JR's is requesting a substantial change in their license to allow expansion into 1521 17th St. Chairman Pitsor reviewed the ABC moratorium that places a limit on the number of licenses in the neighborhood. The moratorium was renewed this year based on the issues of overall mix of retail and restaurant/tavern use, concentration of licenses in the neighborhood, impact on parking and impact on peace, order and quiet.

David Wilmot, attorney (with Harmon and Wilmot) and Eric Little, owner represented JR's. Mr. Wilmot expects an iterative process and wants community input. He stressed that the ABC Board should review each expansion case individually since the moratorium only places a cap on number of licenses, not expansions and if JR's addresses all community concerns, the license change should be approved.

JR's has a CT license. They only serve food from 11 am to 7 pm. They currently are approved for 74 seats. There has never been a standee limit issued. They plan to expand into 1521 17th St and use 450 of 800 square feet for ABC purposes. This will bring the total to approximately 1300 sq. feet and a total of 212 seated and standing. There will be 26 employees. The closing times will be 2 am weekdays and 3 pm weekends and holidays.

Mr. Wilmot reported that there have been no noise complaints in the last 10 years. JR's has contracted for valet parking in 2 nearby lots. The schedule for proceedings is November 23 deadline for filing petitions and December 8 for a roll call hearing.

Chairman Pitsor commended JR's on their outreach efforts. He reminded the assembly that ANC 2B petitioned for the ABC moratorium that included a prohibition on lateral expansions. He inquired about the valet process. Mr. Little responded that there would be 2-3 employees and they would use a lot on 17th Street and a garage on P Street. Mr. Little also clarified that the patio on the plans is not part of the current application.

Chairman Pitsor opened the discussion to the audience. Twenty residents spoke in favor. Most were from ANC 2B, others were from Mt. Pleasant, Capital Hill, Woodley Park and Logan Circle. Reasons for support included JR's community mindedness, increased safety on street created by the number of customers, and desire to prevent vacant storefronts. Four residents spoke against the expansion citing parking problems, loss of retail mix, bad precedent given the number of other bars and restaurants and overall congestion in the neighborhood from restaurants and nearby theaters.

The discussion then returned to the commissioners. Commissioner Jackson asked why they needed valet parking since they were promoting JR's as a neighborhood establishment. Mr. Little indicated they only arranged for valet parking because they thought the ANC would expect it. Mr. Jackson responded that there are numerous problems with valet parking in other parts of the community and that a better plan may be needed. Commissioner King felt that given the increase number of seats/standees, we would be endorsing the equivalent of a new bar which would be inconsistent with the moratorium.

Commissioner Micone stated he felt the 17th St. neighborhood was been an exciting place during his 10 years in the city. He noted that he is opposed to the ANC's position prohibiting lateral expansions in moratorium zones. He further noted that he has been working with constituents in his district to develop a voluntary agreement to allow an ABC-regulated business to expand. Based on this and given JR's community contributions and the community support, he would be

voting in favor of the expansion

Chairman Pitsor read a letter from Commissioner Shannon (attached) giving reasons for her opposition to the expansion. For himself, Mr. Pitsor indicated that he did not doubt the contributions that JR's has made over the years, but unlike some residents he did not feel that 1 or 2 businesses were solely responsible for the invigoration of 17th St. over the past 10 years. He is concerned about the residential zoning on opposite side of the street and preventing an undue concentration of ABC uses. He is in favor of a vision for the 17th St. corridor that maintains a mix of business uses. Also, there is a matter of fairness to other businesses. If the moratorium is just, then the expansion into a retail space is not fair to those who cannot apply for a new license.

Commissioner Jackson added that he is most concerned about the loss of a retail space, especially given the nature of renovations. Once the expansion takes place, the renovations are not likely to be reversed. During the moratorium process his constituents overwhelming spoke in favor of maintaining a retail mix on 17th St. and allowing the loss of this retail site would be inconsistent in the moratorium. Commissioner Newton indicated that she supported the prohibition on lateral expansions requested in the moratorium petition.

Commissioner DeHart in whose SMD JR's resides finally spoke indicating that she purposely waited until the end of discussions. She noted that the discussions did not include talk of a transient neighborhood as many previous ABC discussions. She moved in the neighborhood in 1968 and knows residents who have been here 506 decades. Those persons were not at the meeting but have needs other than ABC establishments. The neighborhood is diverse and 17th Street needs to offer a mix of services to all residents.

Given this Commissioner DeHart moved and Commissioner Newton seconded that ANC 2B oppose the substantial change request by JR's Bar and Grill, Application #4475 noting the following reasons (full text in Appendix A):

- The opposition is consistent with the moratorium petition submitted by ANC 2B
- The expansion would eliminate the possibility of adding additional non-ABC diversity to the commercial zone
- The C-2-B zone is small, only 2 blocks, and the west side is predominantly residential (R-5-B & R-5-D). The expansion includes use of public space which would add to noise, trash and parking problem in the neighborhood
- The expansion would set an improper city wide precedent for neighborhoods seeking to balance quality of life issues
- Diverse communities with Community Business Zones such as the C-2-B on 17th St should be maintained to meet the retail, ABC and non-ABC needs of all members of the community

The motion passed 5-1-0 with Commissioner Micone opposed.

- 3. Q Street bus and truck restrictions.** Commissioner Jackson reported that the rule making to formalize the current advisory bus and truck restrictions on Q St. was published in the DC Register and the comment period ends on November 22. Chairman Pitsor was concerned that the restriction begins at 20th St, not Massachusetts Ave and that trucks would not likely turn off Q St. once they turn off of Mass. Ave. Mr. Jackson agreed with this noting that there was only 1.5 blocks between 20th St. and Mass. Ave. Commissioner Jackson then moved and Chairman Pitsor seconded that:

ANC 2B supports DPW Docket no 99-10-TS that prohibits busses and trucks over 1 1/4 tons on Q Street NW with the change that the prohibition be extended west to Massachusetts Ave instead of 20th St as currently in the bill.

The motion passed unanimously.

- 4. ANC Reform Legislation** Chairman Pitsor gave an overview of the proposed changes. Commissioner Micone indicated that he had reviewed the proposal and was in favor of changes that strengthened the great weight of ANC's. Commissioner Micone then moved and Commissioner Newton seconded that:

ANC 2B endorse the intent of the reform legislation and that section I-262.f be modified to add sexual orientation to the membership requirements of committee formation.

The motion passed unanimously.

- 5. ABC Reform Legislation, Bill 13-449** Chairman Pitsor reviewed the major changes in the proposal which is still under consideration. He noted that one significant change would separate the ABC Board from the Dept. of Consumer and Regulatory Affairs making it a separate agency.

COMMISSIONER REPORTS

Commissioner Micone reported that there would be a status hearing on November 17 regarding Cafe Japonese. Both parties in the discussion agreed to request a postponement in hopes of reaching an agreement by December. He also reminded the audience of the Phillips Collection Community meeting noted in the Open Forum

Commissioner Jackson reported that PSA 309 sent a letter to Chief Ramsey after the October meeting expressing concerns that there had been too many personnel changes in the PSA and that the changes were inconsistent with the Community Policing model. Commissioner Jackson moved and Chairman Pitsor seconded that:

ANC 2B send a letter to Chief Ramsey with a copy to Commander Acosta supporting consistent personnel assignments for PSA 309.

The motion passed unanimously.

OLD BUSINESS

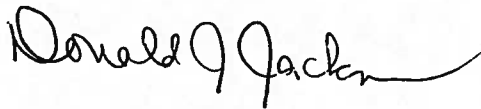
No old business was discussed at this meeting.

NEW BUSINESS

Several residents requested continuation of the JR discussion given the ANC decision and the number of people present supporting JR's. Mr. Horvath of 21st St. felt the ANC vote was usury. Another resident complained that there was insufficient notice given. Commissioners Pitsor and Jackson reported several places the resident could find the posting and noted they were up on time. A resident of Adams Morgan complained that JR's was put under a microscope and received more scrutiny than necessary. He felt the problems with morning truck deliveries are worse than the bar traffic at night. Another resident felt that parking should not be considered since it is a problem all over the city. It was also suggested that the ANC realize that change is inevitable and should be accepted.

There being no other business, Chairman Pitsor announced the next public meeting on December 8 and adjourned this meeting at 10:30 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Donald J. Jackson". The signature is written in a cursive style with a long, sweeping underline.