

Please note: In addition to the text and vote counts of the official actions taken by the Commission, these minutes may contain summaries of comments that were made and discussions that took place at the meeting. Such summaries are not intended to be a verbatim account of the meeting.

**Advisory Neighborhood Commission 1C  
Adams Morgan  
Minutes of February 4, 2015**

**I. Call to Order and Introduction of Commissioners**

A regularly scheduled meeting of Advisory Neighborhood Commission 1C was held on February 4, 2015 at Mary's Center. Chair Simpson called the meeting to order at 7:00 pm. Approximately 12 members of the public attended. In attendance were Commissioners Hector Huevo (1C02), Ted Guthrie (1C03), Gabriela Mossi (1C04), Alan Gambrell (1C05), Billy Simpson (1C06), and Wilson Reynolds (1C07).

**II. Officers' Reports**

**a. Chair's Report**

Chair Simpson announced that DC Public Schools would hold meetings at public libraries throughout the city through February to provide information about options at DC public schools. He left fliers in the back with details.

**b. Secretary's Report**

Secretary Guthrie moved for approval of the draft minutes for the December 3, 2014 monthly meeting and the January 7, 2015 monthly meeting. He noted that the December draft was revised to reflect comments from the public and that both sets of minutes had been posted on line and circulated among the Commissioners. Commissioner Mossi seconded the motion for approval that then passed by a vote of 6 to 0.

**c. Treasurer's Report**

Treasurer Gambrell reported that funding would be needed for a committee meeting at Mary's Center and for Spanish interpretation for meetings on Marie Reed modernization. Chair Simpson moved to add those items to the agenda without the typical two week advance notice on the basis that not doing so would be adverse to the community. Commissioner Huevo seconded the procedural motion that then passed by a unanimous vote of 6 to 0.

Treasurer Gambrell moved to allocate \$125.00 for the Planning, Zoning, and Transportation Committee to meet at Mary's Center on February 18. Commissioner Guthrie seconded the motion that then passed by a unanimous vote of 6 to 0.

Commissioner Huevo moved to provide up to \$700 for simultaneous Spanish interpretation at several of the upcoming Marie Reed modernization meetings. Commissioner Mossi seconded the motion. Commissioner Guthrie asked if there would be outreach to the Spanish speaking community about these meetings and it was confirmed that there would be outreach. The vote on the motion to provide Spanish interpretation passed by a unanimous vote of 6 to 0.

**III. Commissioner Announcements/Comments**

**a. Upcoming Meeting Agendas for February**

Chair Simpson reported that the times and agendas for ANC 1C Committee meetings were printed on back of this meeting's agenda.

- Commissioner Guthrie announced that there would be no meeting of the ABC and Public Safety Committee in February because there were no pending agenda items.
- Chair Simpson noted that a large turnout is expected at the February 18 Planning, Zoning, and Transportation Committee Meeting on the proposed Meridian International Building. He added that the concept submission for the proposed development is posted on the ANC 1C website.
- Commissioner Huezo reported that on February 9 the DC Office of Planning would meet with the Envision Adams advisory committee to continue conversations about plans for Envision.
- Commissioner Huezo announced that on Saturday, February 14 at 10 AM there would be a neighborhood walk-through of Kalorama Triangle to see what streets, sidewalks, gutters, and lampposts need to be fixed. He said the group would meet at the intersection of Belmont, Ashmead, and 20<sup>th</sup> Street.
- Commissioner Huezo also announced that the Public Services and the Environment Committee would hold a meeting addressing Marie Reed modernization on Saturday, February 21. He said the group would meet at 9 am the Marie Reed campus for a walk-through of the facilities with the school principal and then proceed to the Kalorama Recreation Center to continue the discussion from 10 to noon. He added that the discussion on Marie Reed campus modernization would also continue at the regularly scheduled PSE Committee meeting on Wednesday, February 25.
- Commissioner Mossi announced that Youth Build Public Charter School is looking for members of the community to volunteer on professional days -- Thursday February 12, 19, and 26 -- as part of the schools' workforce development program. She said volunteers would talk to students about careers, how to prepare for interviews, and being professionals in the workplace. The contact phone number for volunteers is 202-830-5948.
- Commissioner Mossi announced that the Mayor's office would be holding budget engagement forums as part of its "Fresh Start February" program on Thursday, February 19 at 7 pm at Wilson High School; Saturday, February 21 at 1 pm at Anacostia High School; and Monday, February 23 at 8:30 pm at Dunbar High School. He said details and online registration can be found on the Mayor's website.
- Commissioner Reynolds announced that there would be an affordable housing rally on Saturday, February 7 at Calvary Baptist Church from 10 to noon. He added that Mayor Bowser and Councilmembers would attend.

#### **IV. Public Announcements / Comments (2 minutes each)**

- Claudia Barahona announced that the Councilmember Nadeau would hold a Coffee Talk on February 9 from 6:30 to 8 pm at Tryst. She said Councilmember David Grosso and DC Council Chairman Phil Mendelson were also expected to attend.

#### **V. Scheduled Business**

##### **a. ABC and Public Safety**

##### **i. Pop's Sea Bar – stipulated license**

Commissioner Guthrie moved that ANC 1C recommend to the Alcoholic Beverage Control Board that Pop's Sea Bar be allowed to begin operating during hours that ANC 1C previously supported. Chair Simpson seconded the motion that then passed by a vote of 5-0 with 1 abstaining (Commissioner Mossi abstained.)

**ii. Donburi settlement agreement**

Commissioner Guthrie moved to approve a settlement agreement with Donburi, a small 14-seat establishment that serves rice bowls. No second was needed because it was recommended for approval by the ABC and Public Safety Committee. Chair Simpson noted that this is the type of establishment ANC 1C wants to encourage in Adams Morgan and complimented Commissioner Guthrie on negotiating the agreement. The Commission approved the settlement agreement with Donburi by a unanimous vote of 6 to 0.

**SETTLEMENT AGREEMENT**

**AGREEMENT**, made this 4th day of February, 2015, by and between **Donburi LLC** (hereinafter "Applicant"), and **ANC 1C** (hereinafter "ANC"), witnesseth:

**Whereas**, Applicant has filed for a Class CR License No.96770, located at 2438 18th St., NW, Washington DC,

**Whereas**, in recognition of the Board's policy of encouraging parties to a protested proceeding to settle their differences by reaching settlement agreements, the Parties hereto desire to enter into an agreement whereby (1) Applicant will agree to adopt certain measures to address the concerns of ANC and to include this Agreement as a formal condition of its prospective application, and ANC will agree to the approval of such license provided that such Agreement is incorporated into the Board's order approving such application, which order is thereby conditioned upon compliance with such Agreement, and

**Whereas**, Applicant has agreed to take certain measures designed to ameliorate the concerns of ANC,

**Now, therefore**, in consideration of the mutual covenants and undertakings memorialized herein, the **Parties hereby agree as follows**:

**1. Nature of Establishment**

At all times, the Applicant shall operate with the primary purpose of food preparation and consumption. Applicant shall maintain a menu featuring, but not limited to, a selection of hot, cooked food items. Menus with food selections will be offered to patrons. The kitchen shall be staffed and maintained, open and operational, with cooked food menu items **available at all times**. Applicant shall keep on hand sufficient food supplies to fulfill menu items, with staff to serve them, at all times when the establishment is open for business.

**2. Entertainment**

The parties agree that there will be no Entertainment endorsement.

**3. Hours of Operation**

Sunday through Thursday: 10:00 a.m. - 1:00 a.m.  
Friday and Saturday: 10:00 a.m. - 3:00 a.m.

It is understood between the parties that the 10:00 a.m. opening time is not a requirement, but may be used at the discretion of the Applicant.

#### **4. Seating**

Interior seating capacity will not exceed 25 seats.

#### **5. Noise**

Applicant acknowledges familiarity with and agrees to comply with all applicable noise-control provisions of District of Columbia law and regulations, including, but not limited to:

- a) Preventing emissions of sound, capable of being heard outside the premises, by any amplification device or other device or source of sound or noise, in accordance with D.C. Official Code section 25-725. Further the Applicant agrees to abide by all relevant provisions of the D.C. Noise Control Act of 1977 (D.c. Law 2-53), including 20 DCMR, Chapters 27 and 28, as amended.
- b) The doors and windows of the premises will be kept closed at all times during business hours when music is being played, or a sound amplification device is being employed in the premises, except when persons are in the act of using the door for ingress to or egress from the premises.
- c) Applicant agrees not to place outside in the public space any loudspeaker, tape player, CD player or other similar device, or to place any inside speaker in such a way that it projects sound into the public space.
- d) Music from inside will not be audible at surrounding residential housing areas.

#### **6. Trash/Garbage/Rodents**

- a) Applicant shall maintain regular trash/garbage removal service, regularly remove trash from the trash and dumpster area, and see that the trash and dumpster area remains clean. Applicant shall deposit trash and garbage only in rodent-proof dumpsters, and shall see that dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed. Applicant will make every reasonable effort to eliminate food sources for rodents and help eliminate the rat population.
- b) Applicant agrees to segregate and recycle bottles and glass refuse apart from trash and agrees to make all reasonable efforts to minimize noise associated with the disposal of bottles and glass refuse in the outside trash dumpsters between the hours of 11:00 p.m. and 8:00 a.m.
- c) Applicant agrees not to place or cause to be placed any fliers, handbills or other similar advertisements in the public space, specifically on lampposts, street signs or any vehicle parked in the public space.

d) Applicant will provide for the proper removal of grease and fatty oils from the establishment and will not deposit grease or fatty oils in the trash dumpsters.

dated: February 4, 2015.

SELUNGJON Jang, owner   
for Donburi

Ted Guthrie  
for ANC 1C

**iii. Proposed Amendments to DC Municipal Regulations Title 23**

Commissioner Guthrie reported that ANC 1C received a request to join with other community groups in sending a letter of recommendations to the DC Alcoholic Beverage Regulation Administration (ABRA) on their proposed amended regulations. Commissioner Guthrie moved that this matter be included as an agenda item without the typical two week advance notice on the basis that not doing so would be adverse to the community and it is in the community's best interest that ANC 1C be included in the letter. Chair Simpson seconded the procedural motion that passed by a unanimous vote of 6 to 0.

Members of the public asked about the process for commenting on these proposed regulations and whether they could send their own letters. Commissioners confirmed that members of the public could weigh in with their own letters to ABRA. Chair Simpson noted that the proposed amendments are posted in the DC register dated Friday, December 26, 2014. He also explained that the regulations fall under Chapter 16 of Title 23 which addresses administrative rules for protesting license renewals; amending or terminating settlement agreements; and how related hearings are scheduled.

Commissioner Guthrie moved that ANC 1C sign on to the group letter to ABRA. Chair Simpson seconded the motion that passed by a unanimous vote of 6 to 0.

**Letter to ABRA**

January 26, 2015

Alcoholic Beverage Regulation Administration  
Office of the General Counsel  
2000 14th Street, NW, Suite 400 South  
Washington, D.C. 20009

Re: Submission of public comment regarding proposed rules that would make procedural and administrative changes to Title 23 of the DC Municipal Regulations

Dear Chairperson Miller and Board Members,

Thank you for the opportunity to provide comments to the proposed rules to Title 23 of the DC Municipal Regulations. We are pleased that the Board is considering these changes. We believe that there are a number of issues that have needed to be addressed by the Board for some time.

- **Renewal Process**

Clarification of regulations regarding the practice of allowing applicants to ignore attendance at hearings that should result in dismissal of the license are welcomed. Current practice of the Board has resulted in continuous extensions granted by the Board during the renewal process that has significant impact on residents. In practice the Board has allowed applicants to "reapply" multiple times thereby never requiring the licensee to complete the process of renewal. This problem has been partially addressed by limiting the Board's ability to grant such special treatment only one additional time.

- **Regulatory Enforcement**

The use of the word "may" is used throughout this document in cases where it is inappropriate and results in the option for the Board to choose to not enforce the regulations. The word should be changed to "shall", which should improve compliance with the regulations.

- **Protestant Rights**

Each protestant has been individually recognized by complying with the requirements for recognition. Forcing legally recognized Protestants to designate a single person to represent them all would abrogate the rights of legal Protestants. The reality is that different protestants may have different concerns and they all have earned the right to be a direct participant in the protest hearing if they so choose. Protestant groups may choose a representative but it should not be required.

Another ongoing concern for residents is the language regarding Filing of Protests (under the previous 1605.2). The Board has no authority to adopt interpretations or regulations which diminish the standing granted to correctly filed protests by restricting the grounds for a protest to a narrow "appropriateness" standard (25-313, 25-314). Any aspect of Title 25 Chapter 3 "Requirements to Qualify for a License," and Chapter 4, Subchapter 1 "Application Requirements" should be applicable as grounds for a protest.

- **Safekeeping**

The issue of licenses in "safekeeping" has long been one that has plagued residents. If a license is not being used it should be terminated. Unused licenses have negative impacts to both residents and to potential legitimate business operators. If a licensee is not using a license after 6 months it should automatically be terminated. The licensee can reapply when they are ready to proceed.

- **Noise Issues**

The issues of "Entertainment Endorsements" coupled with the use of outdoor spaces have proved problematic for residents by producing noise conditions that greatly exceed regulations. Residents must continue to spend excessive time and money in efforts to have ABRA enforce regulations, and have largely been unsuccessful. The burden should be on the District to enforce, and on the businesses to demonstrate that they have taken appropriate steps to abate noise. If this were happening, protests on noise should be rare. This would reduce the burden on the Board, residents, and the establishments themselves. We would like to see significant regulatory changes made on issues of noise.

- **Substantial Changes**

Additionally we would like to have the rules specifically state that the list of 18 Substantial Changes will always be treated as substantial changes requiring notification to all legal signatories of a Settlement Agreement, and proper accessible posting of placards. The current practice of the Board making subjective decisions as to the list, without any formal notice to legal parties of a Settlement Agreement or placarding, has made it impossible for residents and legal parties to Settlement Agreements to have any input and rights in these issues.

*We appreciate the opportunity to offer comments on this Rulemaking and request that a formal process be instituted to address the issues affecting residents in regard to the licensing of alcohol establishments in close proximity to residential areas.*

*Sincerely,*

*Sarah Peck and Abigail Nichols, Co-Chairs DC Nightlife Noise Coalition  
Joan Sterling, President Shaw Dupont Citizens Alliance  
Chris Young, President Meridian Hill Neighborhood Association  
Robin Diener, Task Force on Noise and Legislative Working Group Representative  
Jackie Blumenthal, Commissioner ANC3B-02 East Glover Park*

## **VI. Adjournment**

Commissioner Simpson moved to adjourn at 7:39 pm. Commissioner Reynolds seconded the motion which passed by a unanimous vote of 6 to 0.