

# Minutes of the Meeting of Advisory Neighborhood Commission 1C October 6, 1999



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A meeting of the Commissioners of Advisory Neighborhood Commission 1C (the "ANC") convened at the Marie Reed School at 7:00 p.m. on October 6, 1999.

## 1. Attendance.

Commissioners Present: Faith, Eleanor Johnson, Eric Letsinger, Carolyn Llorente, Richard Mason, Andrew Miscuk, Peter Schott, Linda Softli and Mark Wright.

Commissioners Absent: None.

Also Present: Approximately 65 additional persons were present or signed the meeting attendance sheet.

2. Notice of Meeting. Each Commissioner and the community received notice of the meeting.

3. Presiding Officer and Secretary. Commissioner Softli presided and Commissioner Mason kept Minutes of the meeting.

4. Call to Order and Introduction of Commissioners. Commissioner Softli called the meeting to order as soon as a quorum was present and the Commissioners introduced themselves to the community. She announced that October 14 was "Utility Discount Day" at the DC Convention Center.

5. Approval of Minutes of the Previous Meeting. Upon a motion duly made and seconded, the Minutes of the September 1999 meeting of the Commission were unanimously approved.

5. Treasurer's Report. Commissioner Llorente distributed a proposed budget for fiscal year 2000. She also noted that the Commission had received its third quarter FY 1999 allotment. Commissioner Llorente added that the Commission's approval for reimbursement to Commissioner Softli for extraordinary office supplies in connection with restocking the new Commission office in the amount of \$474.29 was necessary. Finally, she explained that since the Commission desired Internet access at its office, it would be required to approve the monthly expense. Upon further discussion, and upon motions duly made and seconded, it was unanimously:

RESOLVED, that the proposed Fiscal Year 2000 budget as presented at the meeting shall be and hereby is ratified and approved; and

RESOLVED FURTHER, that reimbursement of \$474.29 for extraordinary office supplies shall be and hereby is ratified and approved; and

RESOLVED FURTHER, that the officers of the Commission are authorized to pay for Internet service access to the Commission's office and to establish an Internet account for the Commission's use; and

RESOLVED FURTHER, that the Treasurer and such other officers of the Commission shall be and hereby are authorized to take such actions as are necessary to carry out the purposes of the foregoing resolutions, including the filing of such financial report with the appropriate city agency.

6. Report of Councilman Graham. Councilman Graham reported on developments concerning the renaming of the Adams Morgan Metro station and the "Link" shuttle bus service between the Metro station and the U Street station that runs every evening from 6 p.m. to midnight. He then introduced Scott Pomeroy of his staff who announced that the Parking and Transportation Task Force would hold a town meeting on October 16 at National Baptist Church at 16th and Columbia Road. Councilman Graham also proudly reported that the Public Welfare Foundation would be moving its headquarters to the True Reformer Building at 12th and U Street.

7. Police and Public Safety Committee Report. Lisa Duperier discussed crime statistics and introduced Lt. Malcolm to speak on behalf of MPD's Third District. They noted that the Summer Mobile Task Force was due to issue its report on October 31. Ms. Duperier noted that the task force might become permanent. A general discussion followed regarding crime statistics, traffic and ticketing.

8. Items Presented for Unanimous Consent. After brief discussion of each issue, the Commission unanimously adopted the following resolutions:

RESOLVED, that the Commission recommends and will take such actions as are necessary for the entire Adams Morgan area to participate in the Mayor's "Clean City Initiative"; and

RESOLVED FURTHER, that the Commission recommends the appropriate District agencies install traffic calming devices (such as rumble strips, etc.) along Adams Mill Road in front of Walter Pierce Park in order to discourage stop sign runners; and

RESOLVED FURTHER, that the officers of the Commission shall be and hereby are authorized to take such actions as are necessary to carry out the purposes of the foregoing resolutions.

Commissioner Johnson abstained from voting on the following resolution, which was supported by all other Commissioners:

RESOLVED, that the Commission supports the use of Ready, Willing and Able to clean Walter Pierce Park, to be funded by the Friends of Walter Pierce Park; and

RESOLVED FURTHER, that the officers of the Commission shall be and hereby are authorized to take such actions as are necessary to carry out the purposes of the foregoing resolution.

Commissioner Johnson voted against the following resolution, which was supported by all other Commissioners:

RESOLVED, that the Commission write Councilman Graham and the individual members of the ABC Board to investigate the ABC Division's failure to pursue enforcement or a show cause hearing regarding Mr. Henry's refusal to comply with building codes and community agreements addressing its rear, plywood

wall; and

RESOLVED FURTHER, that the officers of the Commission shall be and hereby are authorized to take such actions as are necessary to carry out the purposes of the foregoing resolutions.

9. Presentation by the Friends of S & T Streets Parks. The Chairperson recognized Iris Molotsky and Scott Silverman who referenced the written proposal provided in advance to the Commission regarding proposed park renovations. They stated they were seeking Commission support. For the community's benefit, they discussed proposals to (a) install waist high wrought iron fencing around the pocket park at the intersection of S Street, New Hampshire Avenue and 17th Street; (b) install automatic irrigation; (c) exclude dogs from one half of the park; and (d) raise private funds. They explained that a poll of 120 area residents was taken and the plan received overwhelming support. They noted that the community disagreed over whether to install seating in the parks and, as a result, no seating plans were currently proposed. One resident mistakenly thought the proposal was to create a dog run in the park and, in the interests of time, Commissioners Faith, Llorente, Johnson, Miscuk, Schott, Softli and Wright voting in favor, Commissioners Letsinger and Mason voting against, it was:

RESOLVED, that the Commission vote on the proposal by the Friends of S & T Streets Parks after a Single Member District meeting is held in the affected area so that any remaining questions by the community can be addressed at such a forum rather than at the Commission's meeting.

10. Liquor License Related Votes. The Chairperson recognized Commissioner Schott who introduced a resolution to recommend a five-year moratorium on liquor licenses in Adams Morgan in accordance with the draft moratorium petition subject to debate at the Commission's Town Hall meeting on September 22, 1999. Recognizing that debate on this subject had already occurred, the Chairperson called for a vote and the resolution was defeated, Commissioners Johnson and Schott voting in favor and Commissioners Faith, Letsinger, Llorente, Mason, Miscuk, Softli and Wright voting against.

The Chairperson then recognized Mary Abbajay to speak on behalf of the Adams Morgan Business and Professional Association. She discussed the Association's plan to address, in conjunction with the Commission, the noise, trash and other issues raised by the community as caused by ABC licensed establishments. Commissioner Llorente introduced the plan as a resolution and the proposal is attached to these Minutes as [Exhibit A](#). The Chairperson then asked all other persons who had not had the opportunity to speak at the Commission's Town Meeting on the issue to speak at this time. The Chairperson called for a vote and the resolution was defeated, Commissioners Faith, Llorente and Miscuk voting in favor and Commissioners Johnson, Letsinger, Mason, Softli, Schott and Wright voting against.

The Chairperson recognized Commissioner Letsinger who introduced a motion to recommend a three-year liquor license moratorium in Adams Morgan. The Chairperson again asked all remaining persons who had not had the opportunity to speak at the Commission's Town Meeting on the issue to speak at this time. She then recognized Commissioner Miscuk who made, for the record, the statement attached to these Minutes as [Exhibit B](#).

The Chairperson recognized Commissioner Letsinger who read the following resolution, co-authored by Commissioners Letsinger, Mason and Wright, into the record and the Chairperson then called for a vote. The motion was duly seconded and, Commissioners Johnson, Letsinger, Mason, Schott, Softli and Wright voting in favor and Commissioners Faith, Llorente and Miscuk voting

against, the following resolution was adopted:

WHEREAS, the Commission held a Town Hall Meeting on September 22, 1999 to discuss a liquor license moratorium for the 18th Street/Columbia Road commercial district in Adams Morgan (the "Town Meeting"); and

WHEREAS, the Commission believes that there are a number of problems related to the over-concentration of ABC licensed establishments in Adams Morgan; and

WHEREAS, the Commission recommends that, at the end of any moratorium period, future commissions and the community analyze the following matters before considering whether it is appropriate or necessary to renew such moratorium:

1. Whether there has been an increase in the amount of non-ABC street frontage in the moratorium district during the period based on absolute linear footage;
2. Whether late evening vehicular traffic has grown, remained the same or been reduced, based on late night back-up on side streets emptying onto 18th Street and/or overall traffic counts in the moratorium district and adjacent streets in the community;
3. Whether ABC licensing laws have been revised or serious proposals to revise such laws have been introduced by the DC Council, including legislation to eliminate the economic effects on existing ABC licensed establishments in the moratorium district (such as a prohibition against sale of licenses or enactment of enforceable restrictions based on seating capacity that would facilitate relocation of existing establishments), as determined by the Commission;
4. Whether serious proposals to address noise, traffic, safety and trash matters have been introduced or adopted, including, for example, street closure proposals, decibel reading comparisons involving a base-line noise level to be established on or shortly after the establishment of the moratorium, DPW cleaning crews detailed to Adams Morgan, etc; and
5. Whether ABC Division enforcement has improved, deteriorated or remained the same; and
6. Whether parking conditions have improved; and

WHEREAS, given the historically high turnover of business establishments in Adams Morgan, the Commission believes that it can reasonably review the initial effects of any moratorium after three years:

NOW, THEREFORE, IT IS RESOLVED, that the Commission supports the Moratorium proposal jointly sponsored by the Kalorama Citizens Association, Reed-Cooke Citizens Association and Lanier Heights Association with the addition of a provision stating that the initial moratorium period shall be for a three (3) year term and with the replacement of item "B" of the draft discussed at the Town Meeting (restriction on movement within the moratorium zone) by a prohibition against licensees currently located outside of the moratorium district moving into the moratorium district; and

RESOLVED FURTHER, that the officers of the Commission shall be and hereby are authorized to take such action as is necessary to effectuate the purposes of the foregoing resolution, including, but not limited to, designating one or more Commissioners or residents to speak on behalf of the Commission at hearings on the moratorium and signing a written moratorium petition or

agreement.

Commissioner Llorente excused herself from the meeting at this time.

11. Cafe Lautrec. The Chairperson recognized Martin McMann, spouse of the landlord of the applicant for a new liquor license at the location known as Cafe Lautrec, now applying as Cafe Aristide. Commissioner Miscuk asked why the existing license could not be used. Commissioner Mason noted that the existing license was even protected under the proposed moratorium just approved. Mr. McMann could not adequately answer this question nor could he adequately explain the ownership circumstances. A resident expressed concern that the current applicant may have been involved in tax fraud. Upon further discussion, and upon a motion duly made and seconded, all present Commissioners voting in favor except Commissioner Johnson who voted against, it was:

RESOLVED, that the Commission shall write a letter to the ABC Board in opposition to the current application of Cafe Aristide (formerly known as Cafe Lautrec) until the Commission can investigate the apparent irregularities, oddities and inconsistencies in connection with the matter; and

RESOLVED FURTHER, that the officers of the Commission shall be and hereby are authorized to take such actions as are necessary to carry out the purposes of the foregoing resolution.

12. Adams Morgan Festival Status. The Chairperson recognized Tom Oliver of Western Public Interest to discuss the results of the Adams Morgan Community Festival. He briefly explained that the success of the Festival, as evidenced by the facts that it did not lose money, involved no arrests and had no beer trucks.

13. CR to CT Issues. The Chairperson recognized Mark Petruzzi who introduced a resolution passed by the Commission's Zoning, Licenses and Permits Committee to oppose CR to CT license conversions in Adams Morgan in general and to reinforce a ban on new CT licenses in Adams Morgan adopted by past Commissions. Commissioner Mason noted that it was important to address the issue because there was a pending conversion application for Cassava Cafe. Commissioner Miscuk suggested that the Commission address the specific and general matters in separate resolutions. There being no disagreement, on further discussion and on a motion duly made and seconded, all present Commissioners voting in favor except Commissioner Faith who abstained, it was:

RESOLVED, that the Commission opposes the ABC license application of Cassava Cafe from Class CR to Class CT; and

RESOLVED FURTHER, that the officers of the Commission shall be and hereby are authorized to take such actions as are necessary to carry out the purposes of the foregoing resolution.

Upon further discussion and on a motion duly made and seconded, Commissioners Johnson, Mason, Schott, Softli and Wright voting in favor, Commissioners Faith and Miscuk voting against and Commissioner Letsinger abstaining, it was:

RESOLVED, that the Commission restates and reinforces the current policy against permitting additional Class CT licensed establishments from operating in Adams Morgan and that this policy is clarified by specifically opposing Class CR to Class CT conversions by existing license holders.

14. Other Matters. Claire Jacobs announced the need for volunteers for

supervised free play at Marie Reed School. She asked that people contact her at 387-2356.

A resident complained that the Commission did not mail individual meeting notices to every resident.

15. Adjournment. There being no further business, upon a motion duly made and seconded, the meeting was adjourned. The Commission noted that the next meeting had been previously scheduled and would be at Marie Reed School on November 3 between 7:00 and 9:00 p.m.

Respectfully submitted,

W. Richard Mason  
Secretary

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Exhibit A [Click to return to minutes](#) COMPROMISE AGREEMENT BETWEEN ABC LICENSED ESTABLISHMENTS & RESIDENTS OF ADAMS MORGAN Conditions and Elements The Adams Morgan Business Association would agree on behalf of its membership to the following voluntary steps: To contract with Ready, Willing and Able for four workers to clean the residential fronts and curbs that abut the commercial corridor of 18th Street and along Columbia Road; To provide a “decibel” meter to aid in the compliance of sound regulations; To purchase and display signage and other materials encouraging patrons not to litter and to respect the residential character of the streets adjoining the commercial corridors. This signage should be professionally produced and display the logo of the Business Association; That the AMBPA will form a committee whose task will be to help regulate compliance among business with the DCRA regulations; That the AMBA will designate a liaison to attend monthly meetings at the 3rd District for workshops and discussions on issues of noise, safety, parking and other relevant matters; and, To provide an AMBPA liaison for all neighborhood associations. ANC 1C would vote (conditionally) to table discussion on the moratorium as proposed by the Kalorama Citizens Association Citizens Association and would instead adopt resolutions to do the following: Seek an immediate increase in the number and visibility of MPD officers patrolling the commercial corridors between the hours of 8pm and 3am; Petition the DPW to designate certain residential streets that intersect with the commercial corridors as “residential permit parking only” between the evening hours of 6pm and 12am; Instruct its committee on Licenses and Permits to seek community input on developing a fair and Non-negotiable system for score carding ABC licensed establishments in Adams Morgan and oppose renewal of applications that fail to meet an acceptable standard; Initiate further discussions with Council member Jim Graham and the ABC Board on limiting the ability of establishments to sell or transfer liquor licenses.

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Exhibit B [Click to return to minutes](#) [Statement by Commissioner Miscuk] I would like this statement to be made part of the official public record regarding the issue of a liquor license moratorium for Adams Morgan. This statement will be short on facts. Hard facts have yet to enter the argument, so there is no need to air them now. The action will take place in quite a tidy fashion. Initially a very stringent 5-year moratorium proposal will be initiated and then soundly defeated in a 7 - 2 vote. Then a less stringent 3-year moratorium will be initiated. It will then pass with a 6 - 3 vote. I have been accused of taking this issue far too personally. My only response to that is “guilty”. As an unpaid, nonpartisan public official I only have my personal beliefs and judgements to fall back on. When I see

beliefs being compromised, I take that very personally. Several commissioners who I have come to respect and enjoy working with have disappointed me both professionally and personally on this issue. It seems they have put their personal views and judgement aside due to pressure from special interest groups. Based on phone campaigns, packed meetings and various other intimidation tactics, several of my colleagues have changed their minds. Commissioners, who once determined to oppose the moratorium and said it was a bad idea, will now vote for it due to such reasons as keeping reelection opportunities alive. Being afraid to be on the losing side of this vote. Stating that if people were opposed to the moratorium they would also pack the meetings. Stunning indeed- less than halfway through our term commissioners are worried about reelection and going down in flames on a vote based on personal principles. I refuse to be intimidated. I refuse to compromise my beliefs. I refuse to take the easy course. Whether I face opposing this moratorium with other commissioners or whether I face this moratorium alone in an 8 - 1 vote, my values and principles remain intact. I refuse to vote for a resolution that will make this commission a subcommittee of a special interest group. More often than not in a representative system, you represent those who cannot or will not speak for themselves. As far as reelection opportunities on this issue go, I personally have the most to lose. The author of the petition is one of my constituents. Of the three current signatories, representing Adams Morgan's major civic associations, two are my constituents. Several of the most ardent supporters of this petition are from my Single Member District. As Edmund Burke put it: "Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion." After meeting and talking with many constituents who support this moratorium, I have found them to be fair and rational people. I believe that Ann Hargrove, Katie Davis, Susan Magee and Bobbi Ponce-Barger among others will judge me on the totality of my service as a commissioner, rather than my view on single issue. I have faith in their ability to realize that there are many issues that affect our community. It is unfortunate that the majority of the commissioners voting for this resolution have never read the DC law regarding moratoriums. I would venture to guess they have no idea even where to find the information. Most commissioners barely read the moratorium proposal before the public meeting on the issue. It is actions like these that give the ANCs in this city the bad reputation they have. I find it troubling that this commission will permit another DC agency to determine the future of our neighborhood. At time when our city is trying desperately to regain control from a federal government, our neighborhood has no trouble in relinquishing control to the city. It is the view of some of my fellow commissioners that a short three-year moratorium will be the best solution to the problem. They state we can provide a mechanism to evaluate the results by setting up measures and statistics and such; that our successors in future ANCs will have a framework to judge the effectiveness of a moratorium and make a rational decision whether to continue or terminate the moratorium at that time. I doubt that a commission that can barely retrieve its mail, answer its phone, establish office hours or publicize a meeting can establish some mechanism for evaluation three years hence. When I think some of the favorite and most popular licensed establishments among Adams Morgan residents, I note that some of them recently acquired their license. They are well run, innovative, offer other businesses stiff competition and serve the community. The moratorium will only serve to stifle this innovation. Never again will someone from the working or middle class be able to offer something new and exciting to our neighborhood. On the face of the petition I see four groups petitioning the ABC: this ANC and three citizens groups (The Kalorama Citizens Association, The Reed-Cooke Association and the Lanier Heights Association). Nowhere in this process do I see the input, involvement or consultation of the Adams Morgan Business and Professional Association. The businesses in Adams Morgan number in

the hundreds, with many of their employees residing in the neighborhood. I realize law prohibits the Business Association from being a petitioner since they could be considered an agent of licensed establishments. At the very least they should be consulted for input. When bringing forth a proposal you only exclude the opposition from input. It seems our business community was considered an opponent from the beginning. They were never consulted, never approached and never included. This ANC, in moments, will endorse this business-versus-resident mentality. Most importantly, we will take sides. It seems we have a history of siding against our businesses. We will divide this neighborhood even more. If the business community were to make some proposal on traffic redirection, zoning changes or some other major impact on the neighborhood, we would appropriately demand the input of our resident associations and community. Why then the double standard? Why then is a business-impacting proposal from the citizens associations given carte blanche without one shred of input from the business community? What would they know about business? What a moratorium will and will not do: It does nothing to: Reduce noise Reduce parking Improve traffic Enhance a better commercial mix Reduce litter The moratorium will stop the growth in number of licenses only. But if the market could support 10% more licensed establishments, it can and will support a 10% increase in business. Current businesses may become more successful and may attract even more people, noise and cars. This moratorium does satisfy a special interest group. This moratorium will destroy any new players to the market and protect current players. Tryst, Duplex Diner, Pharmacy and Pearl are recent new players that have enhanced our neighborhood. So if the landlords can't rent to restaurants they may rent to daytime operating boutique retailers offering our community everything they need. Or they may rent to businesses that will capitalize on the evening traffic in our neighborhood such as all-night pizza joints and diners. Maybe Adams Morgan will have 5 more of them open until 7 AM. This argument has degenerated, as so many do, from what is right and wrong; what is good and bad to about winning. Winning at any cost. Tactics used in this campaign are shameful. Anywhere from accusations to insults. Most importantly, it is truly disheartening to know that members of this commission have traded judgement for opinion. Andrew James Miscuk Advisory Neighborhood Commissioner 1C-03 Wednesday, October 06, 1999

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