

**ADVISORY NEIGHBORHOOD COMMISSION 1C**  
**Adams Morgan**

**Minutes of January 14, 2002, Meeting**

A scheduled agenda and forum meeting of Advisory Neighborhood Commission 1C was held on January 14, 2002, at the 3rd District Police Station. A quorum being present, Chair Miscuk called the meeting to order at 6:45 pm.

Attending were Commissioners Roth, Wright, Miscuk, Schott, Jovanka, Gibson, and Klempay. Approximately 22 members of the public attended.

**PLANNING**

Chairperson Miscuk distributed a committee structure and membership proposal for 2002 and announced that it would be considered at the February 6, 2002 meeting. He then recognized each of the officers, committee chairs, and Commissioners present to give a report of their activities and any items they might be bringing up at the February 6th meeting.

Treasurer Gibson reported that the ANC's bank balance as of today is \$44,827.57. He then moved for ANC approval for the payment of two invoices -- \$91.73 to Storage USA, and \$67.48 to Verizon. The motion was seconded and approved by voice vote.

Secretary Klempay distributed a draft of minutes for the January 2, 2002 meeting for approval at the February 6th meeting. He also indicated that after further review, the minutes of the December 5, 2001 meeting will be resubmitted without change for approval at the February 6th meeting.

Commissioner Schott, as Chair of the Public Works Committee, stated that the Committee would hold a meeting on January 22nd at 7:30 pm at the Kalorama Recreation Center to discuss the issue of long term parking by vehicles with out of state tags. It is also possible that pending historic preservation issues or the zoning variance application for the Colortone site may require action.

Chairperson Miscuk, on behalf of ABC Committee Chair Dan Brody, reported that resolutions would be presented tonight to protest ABC license applications by Meze, Noa Noa, and possibly the Columbia Road Safeway (depending on the forum discussion). He also reminded the Commission that the Cassava protest hearing before the ABC Board is now scheduled for Wednesday, January 23rd and that Cassava had been recently cited for an after-hours violation.

Commissioner Gibson, as Chair of the Communications Committee, indicated that the pilot bulletin board near Calvert St. and Adams Mill Road would be going up soon.

Meetings of the Committee are held at 7:30 am on the second Tuesday of each month at the Diner on 18th St.

Commissioner Wright, as Chair of the Grants Committee, noted that all materials relative to the approved grant for the Sitar Center had been sent to and received by the appropriate officials and that a check would be cut after the expiration of the deadline for their reply.

Commissioner Roth (1C01) may bring a resolution at the February 6th meeting regarding a possible new DDOT public space policy and pilot project for the ABC establishments on 18th Street.

Commissioner Wright (1C02) will have a resolution regarding the tree-trimming schedule in his SMD.

Commissioner Miscuk (1C03) will have a resolution to implement certain traffic control recommendations developed by the Friends of Adams Mill (FOAM) group, as well as letters of commendation for Lts. O'Connor and Oudshorn and those officers assisting the ANC in connection with the Cassava Cafe protest.

Commissioner Schott (1C04) held an SMD meeting on January 9th primarily with regard to slowing traffic on Lanier Place. He believes a consensus has been reached supporting the installation of speed humps, which he will discuss with other neighboring Commissioners. He may offer a resolution on this subject at the February 19th meeting.

Commissioner Jovanka (1C05) is looking for a space more convenient than the 3rd District to hold a public safety meeting.

On behalf of Commissioner Johnson (1C06), Commissioner Jovanka reported that Commissioner Johnson is working to get the text of a resolution offered at a previous meeting to Secretary Klempay.

Commissioner Gibson (1C07) will offer resolutions at the February 6th meeting to come to closure on the pending street renaming, field naming, and photocopier disposition issues.

Commissioner Klempay (1C09) reported that he would be attending a Dupont Circle ANC meeting this week regarding the recently discovered lack of a public space permit for an outdoor cafe at 18th and T Streets.

## NEW BUSINESS

*Meze ABC Protest* -- Commissioner Klempay offered a resolution to protest a requested substantial change to Meze's ABC license at 2437 18th St., NW. The resolution was

seconded and debated. Commissioner Jovanka moved that consideration of the resolution be postponed until the next ANC meeting. The motion to postpone was seconded, debated, and defeated on a roll call vote, as follows:

YEA  
NAY Schott, Gibson, Wright, Roth, Klempay, Miscuk, Jovanka

Commissioner Roth offered an amendment to insert before “at which time” the following phrase: “which shall include addressing the establishment’s alleged public space violations,”. The amendment was seconded, debated, and passed on a roll call vote, as follows:

YEA Roth, Wright, Miscuk, Jovanka, Klempay, Schott  
NAY Gibson

The resolution, as amended, was then approved by a unanimous roll call vote, as follows:

YEA Roth, Wright, Miscuk, Schott, Jovanka, Gibson, Klempay  
NAY

The resolution, as amended, reads as follows:

### ***RESOLUTION ON MEZE***

*WHEREAS, Meze, located at 2437 18th St., has applied for a substantial change to its CR license to allow live music, and*

*WHEREAS, said establishment falls within the jurisdiction of ANC 1C, and,*

*WHEREAS, concern has been expressed by the ABC Committee over certain issues, now*

*THEREFORE, BE IT RESOLVED that ANC 1C will protest the granting of the substantial change to this license on the grounds of the adverse effects on peace, order, and quiet in the neighborhood, until such time as the parties agree to a voluntary agreement, which shall include addressing the establishment’s alleged public space violations, at which time the ANC will withdraw its protest and request that the agreement be incorporated in the Board’s order granting the substantial change.*

### **PUBLIC FORUM (PART 1) - DC FLAG**

Mr. Alan Heymann, Communications Co-Chair of the organization DC Vote, was recognized to speak on DC Vote’s proposal to add the words “Taxation Without Representation” to the District of Columbia flag. Following his presentation, members of the public in attendance were called on to express their views.

Mr. Norman Neverson asked the ANC to go on record in support of this proposed change in the flag.

Mr. Denis James asked why the proposed words should not be “No Taxation Without Representation.” Mr. Heymann explained that the phrase selected follows the language being used on DC license plates and reflects DC’s status for the last 200 years, rather than being an advocacy statement.

Mr. Gary Ward asked about the process for Council adoption of the proposal.

The Commissioners were each recognized and given an opportunity to speak and ask questions on the topic. Following this discussion, Commissioner Gibson moved that ANC 1C support adding the language "Taxation Without Representation" to the District of Columbia flag and that ANC 1C support DC Vote's efforts in this regard. The motion was seconded and debated. Commissioner Jovanka moved to postpone consideration of the Gibson motion to the next ANC meeting. The motion to postpone was not considered for lack of a second. Commissioner Gibson's motion was then approved by roll call vote, as follows:

YEA Roth, Wright, Miscuk, Schott, Gibson

NAY

ABSTAIN Jovanka

## PUBLIC FORUM (PART 2) - SAFEWAY ABC LICENSE

Representatives of Safeway, Inc. were recognized to explain and support their application for a class B license for the store at 1747 Columbia Road, NW. The representatives present were Mr. Craig Muckle (Public Affairs Manager), Ed Tippett (District Manager), and Mike Banks (Store Manager). A hearing before the ABC Board on the question of whether this location is within the Adams Morgan moratorium zone is scheduled for Wednesday, January 23rd.

The Safeway representatives explained that their application is based on their investment of more than \$500,000 in renovation of the store, which is the basis in the new ABC law for an exception to the rule against new B licenses. Their attorney maintains the store is not located within the moratorium zone. They stated that wine and beer sales would account for approximately 5% of sales at the store, and that they would not sell items that contribute to problems of single sales, public drunkenness, etc. They would also put all employees through a training program and will strictly enforce employee violations of law and store policy.

Approximately 12 members of the public were recognized to speak at least once, and several were recognized several times.

Approximately 5 of these commenters were opposed to granting the license for various reasons, including the threat of exacerbating existing problems of public intoxication and loitering in that area of Columbia Road, the excessive concentration of alcohol retailers in that vicinity, the belief that the store is located within the Adams Morgan moratorium zone (notwithstanding Safeway's contrary position), the threat posed to existing smaller retailers of being driven out of business, and suspicion that Safeway was applying for these licenses only in neighborhoods with large minority populations.

Approximately 4 of the commenters supported granting the license for various reasons, including providing additional choices to consumers, the lack of proof of any detrimental effect on the neighborhood, Safeway's historical responsiveness to the needs of people in the community, the belief that Safeway would exercise greater control over alcohol sales than existing establishments and might drive the less responsible incumbents out, and the belief that the complaints about loitering and intoxication are generalities but that the store serves many minorities and low/moderate-income people, especially women, who would prefer this option to the existing liquor stores.

Several other members of the public asked questions about Safeway's plans but did not specifically indicate a position on the application.

Each Commissioner was then given an opportunity to speak and/or ask questions, and Safeway's representatives were permitted to respond to these questions and comments.

Finally, the Safeway's representatives were permitted to make a closing statement.

Commissioner Jovanka then offered a resolution that the ANC oppose the Safeway application for a Class B ABC license and protest the application in a letter to the ABC Board, and that an update to the Commissioners be given as soon as possible prior to February 6th ANC meeting. The resolution was seconded and debated.

Commissioner Schott offered an amendment to delete the second, third, and fourth "Whereas" paragraphs. Adopted by unanimous consent.

Commissioner Roth offered an amendment to the second "Resolved" paragraph to strike all after the word "notify" and insert "concerned neighborhood groups." Adopted by unanimous consent.

Commissioner Schott offered an amendment to insert at the end of the first "Resolved" paragraph the words "on the grounds the adverse effects on peace, order, and quiet in the neighborhood." Adopted by unanimous consent.

Commissioner Miscuk offered an amendment to strike the first "Whereas" paragraph. The amendment was seconded, debated, and approved by unanimous roll call vote, as

follows:

YEA Miscuk, Roth, Wright, Gibson, Jovanka, Schott  
NAY

Commissioner Schott offered a technical amendment to strike the words “Now, Therefore, Be It” at the beginning of the first “Resolved” paragraph. Adopted by unanimous consent.

Chairperson Miscuk sought and obtained the Commission’s consent to receive comments from members of the public.

Mr. Denis James pointed out that “overconcentration” is another ground in the ABC statute on which a protest can be lodged, particularly if the Commission believes the establishment is located within the moratorium zone.

Mr. James Coleman complained that he believed the Commission had not listened to the community.

Commissioner Wright offered a technical amendment to the last “Resolved” paragraph to strike the specific date of February 6th. Adopted by unanimous consent.

Commissioner Roth offered a technical amendment to insert “at or” before “prior to” in the last “Resolved” paragraph. Adopted by unanimous consent.

Commissioner Wright offered an amendment to insert “overconcentration and” before “adverse effects” in the first “Resolved” paragraph as previously amended. The amendment was seconded, debated, and approved by roll call vote, as follows:

YEA Roth, Wright, Jovanka, Schott, Gibson  
NAY Miscuk

Commissioner Roth offered an amendment to add an additional “Resolved” paragraph to read, “Be it further resolved, that separately and in the alternative, ANC 1C believes the Safeway at 1747 Columbia Road, NW, to be located within the Adams Morgan ABC license moratorium zone.” The amendment was seconded, debated, and defeated by roll call vote, as follows:

YEA Roth, Jovanka  
NAY Schott, Gibson, Wright, Miscuk

The vote was then taken on the Jovanka resolution, as amended, which was adopted by a 5-1 roll call vote, as follows:

YEA Wright, Miscuk, Gibson, Jovanka, Schott  
NAY Roth

The resolution as adopted reads as follows:

***Resolution in Opposition to Safeway's Application for  
Class B Liquor License***

*Be it resolved, that ANC IC oppose the issuance of Safeway's class B liquor license, located at 1747 Columbia Road, NW, Washington, D.C., on the grounds of overconcentration and the adverse effects on peace, order, and quiet in the neighborhood, and*

*Be it resolved, that ANC IC send out a letter to the ABC Board within 10 or less business days to protest this license and to notify concerned neighborhood groups, and*

*Further be it resolved, that an update to ANC IC Commissioners be given as soon as possible for our concerned constituents at or prior to the next general ANC IC meeting.*

Commissioner Roth then moved that the ANC adopt the following resolution:

***RESOLUTION ON SAFEWAY CLASS B LICENSE APPLICATION  
AND ADAMS MORGAN MORATORIUM ZONE BOUNDARIES***

*Be it resolved, that ANC IC inform the Alcoholic Beverage Control Board that we believe the Safeway at 1747 Columbia Road, NW, Washington, D.C., to be located within the boundaries of the Adams Morgan moratorium zone.*

The motion was seconded, debated, and approved by 5-1 roll call vote, as follows:

YEA Roth, Wright, Schott, Jovanka, Gibson  
NAY Miscuk

NEW BUSINESS (RESUMED)

*Noa Noa ABC Protest* -- Commissioner Gibson offered a resolution to protest a requested substantial change to Noa Noa's ABC license at 2450 18th St., NW. The resolution was seconded, debated, and approved on a 5-0 roll call vote, with 1 abstention, as follows:

YEA Gibson, Schott, Wright, Roth, Miscuk  
NAY  
ABSTAIN Jovanka

The resolution reads as follows:

***RESOLUTION ON NOA NOA***

*WHEREAS, Acapulco Restaurant, aka Noa Noa, located at 2450 18th St., has applied for a substantial change to its CR license to allow the use of their second floor, and,*

*WHEREAS, said establishment falls within the jurisdiction of ANC 1C, and,*

*WHEREAS, concern has been expressed by the ABC Committee over certain issues, now*

*THEREFORE, BE IT RESOLVED that ANC 1C will protest the granting of the substantial change to this license on the grounds of the adverse effects on peace, order, and quiet in the neighborhood, until such time as the parties agree to a voluntary agreement, at which time the ANC will withdraw its protest and request that the agreement be incorporated in the Board's order granting the substantial change.*

*Additional Business* - Additional comments were taken from community members.

Chairperson Miscuk also relayed to the Commission the requests of Commissioner Johnson to rescind her votes on three resolutions considered and approved at the last ANC meeting on January 2nd (to send a letter to Mark Petruzzi commending his service to the ANC and the community, to approve the voluntary agreement reached with Red Sea, and to approve the voluntary agreement reached with The Reef). The Chairperson explained that under the rules it was not permissible for a Commissioner to rescind a vote already cast on a matter already disposed of, but that any Commissioner could serve notice of his or her intent to move to rescind an action previously taken by the Commission.

Commissioner Jovanka then gave notice of her intent to move to rescind the Commission's approvals of the voluntary agreements with Red Sea and The Reef.

**ADJOURNMENT**

Commissioner Wright moved to adjourn. The motion was seconded and approved by voice vote.

The meeting adjourned at 10:15 pm.

Peter L. Klempay  
Secretary ANC 1C

Approved February 19, 2002