

ADVISORY NEIGHBORHOOD COMMISSION 1C

Adams Morgan

Minutes of July 5, 2006

A regularly scheduled meeting of Advisory Neighborhood Commission 1C was held on Wednesday, July 5, 2006 at Mary's Center. Chairman Alan Roth called the meeting to order at 7:07 p.m. Approximately 15 members of the public attended the meeting.

In attendance were: Alan Roth (1C01), Jon Canty (1C02), Bryan Weaver (1C03), Mindy Moretti (1C04), Andy Miscuk (1C05), Wilson Reynolds (1C07) and Lynn Taylor (1C08).

SECRETARY'S REPORT

Commissioner Moretti, secretary moved the approval of minutes from the June 7, 2006 regular meeting. The motion was seconded, discussed and approved by voice vote.

TREASURER'S REPORT

Commissioner Canty, treasurer announced that due to a computer issue he did not have a full treasurer's report for this meeting, but he did note that the only activity on the ANC account were the typical monthly expenditures for phone and storage, etc.

PUBLIC COMMENTS

- Chuck Brazie gave an update on the BID's efforts to get reimbursable police allocated to Adams Morgan on the weekends.
- Josh Gibson, executive director of the Adams Morgan BID gave an update on the BIDs cleaning efforts and noted that the Ready, Willing and Able employees are on the streets from 10 a.m. to 6 p.m.
- A representative from Adams Morgan Main Street announced that the annual summer spruce up will be held on July 22 beginning at 9 a.m. on the grounds of Marie Reed Learning Center.

COMMISSIONER ANNOUNCEMENTS

- Commissioner Weaver announced that on Friday July 7 there would be a kid's basketball camp at Kalorama Park to be held in conjunction with Hoopin' in Exile which is to be held the next day, July 8, at Kalorama Park as well.
- Commissioner Miscuk announced that he would be guest bartending on Thursday, July 6 at Chloe to support the efforts of Hoopin' in Exile and Hoops Sagrado.

COMMITTEE REPORTS

A. Public Services

Commissioner Weaver recused himself. Commissioner Canty made a motion that ANC1C approve a grant application for Hoops Sagrado for \$1,000 to support the payment of officials and a time clock for Hoopin' in Exile. The motion was seconded, discussed and approved by voice vote.

Commissioner Canty made a motion that ANC1C approve a grant application for \$1,000 for Hoops Sagrado to support the purchase of shirts for the summer program.

Commissioner Roth inquired of Sam Levy, who was present to represent Hoops Sagrado, whether the shirts would be returned to the organization at the conclusion of the summer's program for use by future program participants. Mr. Levy stated that they would be. The motion was seconded, discussed and approved by voice vote.

Commissioner Canty made a motion that ANC1C approve a grant application for \$1,000 for the Sitar Center in support of their summer production of Once upon a Mattress. The motion was seconded and discussed. Commissioner Reynolds made a motion that ANC1C waive its grant guidelines in order to consider this grant. The motion was seconded, discussed and approved by unanimous consent. The original motion was approved by voice vote.

Commissioner Miscuk made a motion that ANC1C write a letter to the Department of Parks and Recreation about getting the water fountain in Walter Pierce Park repaired and turned back on. The motion was seconded, discussed and approved by voice vote.

Commissioner Miscuk made a motion that ANC1C write a letter of support to DPR and D.C. Public Schools on behalf of The City Paper's Crafty Bastards fair to be held on the grounds of Marie Reed Learning Center. The motion was seconded and discussed. Commissioner Taylor made a motion to postpone consideration to the August 2 ANC meeting. The motion to postpone was seconded, discussed and approved by voice vote.

Commissioner Miscuk announced that the next meeting of the Public Services committee will be on July 26 at 6:30 p.m. at Kalorama Recreation Center.

B. ABC & Public Safety

Sgt. Aceto provided the report from MPD. He announced that the Third District Police Headquarters will hold its annual Open House on July 15 from 10 a.m. to 2 p.m. He also announced that Aug. 1 is National Night Out and that 3D would have a large presence at 18th and Columbia.

Sgt. Aceto said the crime statistics for June were similar to those in May but stolen autos were down to 11 from 24 in May. There were 15 robberies in June and 11 in May. Year-to-date numbers were similar for robberies with 57 so far in 2006 compared to 54 for the same time in 2005. Sgt. Aceto followed up with information about a shooting at 17th & Euclid and indicated that no one was hurt and it was someone shooting into the air. He also followed up with information about a shooting in the alley behind the even block of Calvert St., NW and said that the information provided about the car did not match any registered car. Sgt. Aceto assured the commission that there would be a police presence at Hoopin' in Exile on July 8. There were questions about whether or not the Secret Service was working with MPD on street crimes and Sgt. Aceto indicated that they were working together to an extent to patrol the neighborhood.

Commissioner Taylor made a motion that ANC1C accept the joint Kalorama Citizens Association/ANC voluntary agreement with Santa Rosa. The motion was seconded discussed and approved by voice vote.

Commissioner Weaver made a motion that ANC1C accept the voluntary agreement with Dahlak. The motion was seconded, discussed and approved by voice vote.

Commissioner Weaver gave an update on the status of discussions over the Harris Teeter liquor license. A protest hearing was granted by the ABC Board and is scheduled for Nov. 15 at 10 a.m. Commissioner Weaver indicated that the ANC would continue to work with Harris Teeter in an effort to come to an agreement prior to the protest hearing. Commissioner Weaver made a motion to postpone a vote on the Harris Teeter voluntary agreement until September. The motion was seconded, discussed and approved by voice vote.

Commissioner Weaver made a motion to protest the application of Asylum to convert its license from a C/R to a C/T based on the commissions existing resolution to protest all tavern conversions as well as the adverse affects on peace, order and quiet in the neighborhood. The motion was seconded, discussed and approved by voice vote.

Commissioner Weaver offered a resolution to amend the current liquor license moratorium to cap the number of tavern conversions at 10 and to prohibit any additional conversions of restaurant licenses to tavern license. The motion was seconded, discussed and approved by roll call vote:

YEA: Roth, Weaver, Moretti, Reynolds, Taylor

NAY: Miscuk, Canty

Resolution on Tavern Conversion

WHEREAS, on July 14, 2004, the Alcoholic Beverage Control (ABC) Board approved a revision of the Adams Morgan ABC moratorium, 23 DCMR § 304, which expires on or about April 15, 2008; and

WHEREAS, the revised moratorium prohibits any new Restaurant licenses (CR and DR) issued during the moratorium period within the Adams Morgan Moratorium Zone (AMMZ) from being converted into a Tavern license, but does not extend the same prohibition to Restaurant licenses issued prior to July 14, 2004; and

WHEREAS, prior to 2004 there were only 3 Tavern licenses in Adams Morgan, but there are now 11 such licenses as a result of conversion applications filed by 8 Restaurant license holders prior to May 2005, 10 of them within the AMMZ; and

WHEREAS, since May 4, 2005, when Advisory Neighborhood Commission 1C announced its policy of opposing further Tavern conversions, 6 more Restaurant licensees have applied for Tavern conversions (1 of which was rejected by ABRA on technical grounds), and additional applications are expected; and

WHEREAS, in contrast to Restaurant licensees, Tavern licensees are not required to have any kitchen facilities or to serve anything but a trivial amount of food in their establishments, are permitted to emphasize their sale of alcohol rather than food in their advertising and signage, are

not required to maintain regular hours, and are not required to maintain books and records showing their food sales for purposes of auditing by the Alcoholic Beverage Regulation Administration; and

WHEREAS, the ABC Board concluded in support of its July 14, 2004 Order that “loud noise, the disorderly departure of some patrons of ABC establishments, a variety of parking and vehicular and pedestrian safety problems, and excessive amounts of litter throughout neighborhood streets, including pizza paper plates, which are often from patrons of ABC establishments” justified continuing the previous restriction on the issuance of new tavern and nightclub licenses within the [AMMZ],” and also recognized the potential for ABC establishments to “negatively impact upon peace, order, and quiet in the [AMMZ] by operating late at night without any statutory food service requirements,” 51 DCR 8669, 8670 (Sept. 3, 2004); see also 52 DCR 3816, 3817 (Apr. 15, 2005); and

WHEREAS, since the Board’s Order of July 14, 2004, the problems described above have grown worse and, within the last several months, have included homicides, stabbings, and other serious assaults perpetrated both on and by patrons of ABC establishments, including, according to a June 24, 2006 Washington Post article, patrons of at least one of the establishments currently applying for a Tavern conversion; and

WHEREAS, on July 14, 2006, two years will have elapsed since the date of the Board’s action to revise the terms of the AMMZ, thus allowing ANC 1C to apply for a further amendment of those terms under D.C. Code § 25-351(f),

NOW, THEREFORE, BE IT RESOLVED, that ANC 1C will seek an amendment to 23 DCMR 304, the AMMZ regulations, to prohibit any additional conversions of Restaurant licenses to Tavern licenses within the AMMZ, including conversions based on applications currently pending and undecided, and, in addition, to impose a numerical cap of 10 on the number of Tavern licenses permitted within the AMMZ at any one time, effective immediately, on the following statutory grounds:

- 1) adverse effect on peace, order, and quiet, including noise and litter;*
- 2) adverse effect on residential parking needs and vehicular and pedestrian safety;*
- 3) adverse effect on real property values;*
- 4) substantial adverse impact on residents of the adjacent residential zone districts and of the District as a whole; and be it*

FURTHER RESOLVED, that ANC 1C authorizes the Chairperson to file such a moratorium request as soon as practicable after July 14, 2006 and, in addition, to seek a stay of all further proceedings in all pending Tavern conversion cases within the AMMZ until this moratorium request is decided by the ABC Board, and be it

FURTHER RESOLVED, that ANC 1C calls upon the Council of the District of Columbia to enact a statutory numerical cap on Tavern licenses within Adams Morgan, and to amend the ABC statute to create a new class of license, between Taverns and Restaurants, that will encourage significant food service among establishments not capable of meeting the requirements for a Restaurant license without also encouraging current Restaurants to seek a lower class of license.

C. Planning, Zoning and Transportation

Commissioner Taylor reported that there was no committee meeting in June due to a lack of business before the committee. She announced that the next meeting is scheduled for July 19 at 7:30 p.m. at Third District headquarters. She noted that possible agenda items include discussion of Lot 33 and construction issues involving the Harris Teeter project.

UNFINISHED BUSINESS

Commissioner Moretti made a motion to withdraw her resolution concerning the field at Walter Pierce Park. The motion was seconded, discussed and approved by voice vote.

NEW BUSINESS

Commissioner Weaver made a motion that ANC1C accept the voluntary agreement with 90 Minute Café that would permit them to sell beer and wine. The motion was seconded, discussed and approved by voice vote.

Commissioner Weaver made a motion that ANC1C endorse the application for a sidewalk café at 90 Minute Café. The motion was seconded, discussed and approved by voice vote.

Commissioner Taylor made a motion that ANC1C support the application for a sidewalk café at the Potter's House. The motion was seconded, discussed and approved by voice vote.

Commissioner Taylor made a motion that ANC1C support the June 30 letter that Commissioner Roth wrote to the BZA with regard to the First Church of Christ Science development project. The motion was seconded, discussed and approved by voice vote.

ADJOURNMENT

Commissioner Weaver made a motion to adjourn. The motion was seconded, discussed and approved by voice vote. The meeting adjourned at 10:05 p.m.