

ADVISORY NEIGHBORHOOD COMMISSION IC

Adams Morgan

Minutes of February 1, 2012

A regularly scheduled meeting of Advisory Neighborhood Commission 1C was held on February 1, 2012 at Mary's Center. Chairperson Wilson Reynolds called the meeting to order at 7:02 pm. Approximately 25 members of the public attended.

In attendance were Stacey Moye (1C01), Martis Davis (1C02), Gabriella Mossi (1C03), Olivier Kamanda (1C04), Adian Miller (1C05), Steve Lanning (1C06), Wilson Reynolds (1C07) and Kathie Boettrich (1C08).

MPD UPDATE

Officer Daniel Baez updated the commission on statistics related to crime in PSA 303. He was supported by Sargents Penn and Harris.

FEMS UPDATE

Captain Chapman provided an update and reported on the need for a CO detector. There was a recent incident. Additionally, a fire on 1630 R Street was a Methamphetamine lab. These materials are very hazardous -- warning signs that neighbors should be aware of are: unusual additions to their home, pavement discoloration, plants dying, and odors (ether-like).

CHAIRPERSON REPORT

Commissioner Reynolds announced that Mayor Gray has called a meeting of all ANC chairs for February 13. Any members of the public wishing to provide input to the meeting can do so through their ANC representative.

SECRETARY'S REPORT

Commissioner Boettrich moved for the approval of the January 2012 minutes. The motion was seconded, discussed and approved by voice vote.

TREASURER'S REPORT

Commissioner Boettrich updated the commission on the current state of finances. Boettrich also confirmed that the Security Fund check was submitted with associated paperwork.

COMMISSIONERS REPORTS

Commissioner Lanning reported that an agreement has been reached in the Ontario Theater project-- the canopy will be preserved.

Commissioner Kamanda announced that Washington D.C.'s Sustainable Working Group. The focus will be on urban development. It is held at 6:30 at UDC Performing Arts building.

Commissioner Kamanda announced the Kalorama Park garden plot lottery will be held on Saturday, February 11 at 10:30 am at the Kalorama Recreation Center. He also announced that the Belmont Rd sidewalk repair is underway due to significant damage to the walkway.

Commissioner Kamanda announced coordination with Gerard Brown for an alley walk through looking for signs of rats and initiating abatement as needed.

Commissioner Davis announced that the mayor announced he did not support the online gambling legislation as written. He also announced that a Senior Summit is being held at the Convention Center all day on February 11. The mayor's "State of the District" will be held on February 7 and a rent control meeting is planned at the Martin Luther King building on Housing Resources, said Davis.

PUBLIC ANNOUNCEMENTS AND COMMENTS ON NON-AGENDA ITEMS

Ms. E. Gail Holness presented her interest in the position of D.C. Council Member at Large.

Ken Campbell reviewed a program from a non-profit (OIC -- Opportunity Independence Center) focused on youths from 18-21.

Lisa Duperior announced a fundraiser for Kalorama Park to be held at the Grill from Ipanema on Wednesday, February 29 from 6:30 - 9:30 pm.

Ms. Duperior on behalf of Adams Morgan Main Street also announced a "Random Acts of Kindness" day to be held in Adams Morgan on February 15.

Ms. Barden from the BID supplied the room with and announced broad availability of the new Adams Morgan tourist map.

Ms. Faust spoke on behalf of Councilmember Orange regarding upcoming legislation on the "Early Childhood Education Act." It is aimed at preparing children for kindergarten and third grade. A hearing will be held on February 16 at the Wilson Building.

Municipal Reports

Mr. Pipkin announced that Washington Gas has completed their work and will be removing their equipment, providing additional parking all along the corridor. Paving will be completed shortly on 18th between Belmont and Kalorama. Paving will continue to move up the street as additional progress is made. He answered questions from the commission and the public.

COMMITTEE REPORTS

A. ABC & Public Safety

- Commissioner Kamanda discussed an update on the actions of the committee and reminded the public that if they have complaints about an establishment with a liquor license to contact him.
- Commissioner Kamanda made a motion to approve the replacement agreement for El Tamarindo.

REPLACEMENT COOPERATIVE AGREEMENT CONCERNING ISSUANCE OF ABC LICENSE FOR SALE OF ALCOHOLIC BEVERAGES

THIS AGREEMENT is made and entered into this 1st day of February, 2012, by and between El Tamarindo, Inc., trading as El Tamarindo, 1785 Florida Avenue, NW (hereinafter the "Applicant"), the Advisory Neighborhood Commission 1C (hereinafter "ANC 1C"), Advisory Neighborhood Commission 2B (hereinafter "ANC 2B), and the Kalorama Citizens Association (hereinafter the "KCA"), hereinafter together, the Parties.

RECITALS

WHEREAS, the Applicant operates the establishment known as El Tamarindo, 1785 Florida Avenue, NW, Washington, DC 20009 pursuant to a Retailer's Class "CR 02" license ("Establishment");

WHEREAS, the Establishment is within the boundaries of ANC 1C and the membership boundaries of the KCA, and ANC 2B is within the affected area;

WHEREAS, ANC 1C entered into various Voluntary Agreements in 1989, 1999, 2008 and 2010 commemorating certain understandings regarding the operation of the Establishment (collectively such agreements are hereinafter referred to as "Original Agreement");

WHEREAS, the Applicant has initiated case number Case #11-PRO-00052 with the Alcoholic Beverage Control Board for the purpose of licensing the Sidewalk Café for the sale, service and consumption of alcoholic beverages;

WHEREAS, ANC 1C, ANC 2B and KCA have opposed the licensee's request and have filed protests in the ABRA Case, and

WHEREAS, the Parties desire to replace the Original Agreement with this Agreement and resolve the ABRA case.

NOW, THEREFORE, in consideration of the premises above recited, and the mutual covenants and undertakings set forth below, the Parties agree as follows:

1. Hours of Operation

For food service: For alcohol sales service & consumption:

Monday-Thursday: 6 am-2 am Sunday-Thursday: 11 am-2 am

Friday-Sunday: 24 hours per day Friday & Saturday: 11 am-3 am

2. Capacity of patrons shall not exceed 138 inside, 14 on Sidewalk Café.

3. Sidewalk Café

Hours of Operation for sales, service and consumption of food and alcoholic beverages on the Sidewalk Café in front of 1785 Florida Avenue:

Sunday-Thursday: 11 am - 11 pm

Friday & Saturday: 11 am - 12:00 midnight

Applicant agrees to comply with all conditions associated with licensure of the public space sidewalk café.

3. Noise & Entertainment

a.) Applicant acknowledges familiarity with and will comply with noise-control provisions of District of Columbia law and regulations, including: Preventing emissions of sound, capable of being heard outside the premises, by any musical instrument or amplification device or other device or source of sound or noise, in accordance with the DC Noise Control Act of 1977 (Public Law 2-53), as amended.

b.) The Applicant agrees to abide by all Alcoholic Beverage Control regulations as amended.

c.) 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. d.) Music from inside will not be audible at surrounding residential housing areas. e.) The Parties agree that any live music performances will be for the benefit and enjoyment of the establishment's dining and bar patrons, therefore, there will be no cover charge.

f.) In the case of special events, such as private parties or New Year's Eve, the preceding section does not prevent the licensee from making certain charges to allow participation. For the purposes of this section, special events and private parties are considered separate and apart from the routine operation of the establishment and the regular presentation of live music. g.) The Parties agree that in the routine operation of the establishment, the regular presentation of live music performances will end no later than 12:30 a.m. This section does not apply to New Year's Eve on which date any live music performance shall end ONE HOUR before closing time. In the case of special events or private parties any live music performances will end no later than 1:30 a.m. h.) There will be no designated dance area.

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4) Trash/Garbage/Oils/Recycling

a) Applicant shall maintain trash/garbage removal with sufficient frequency to ensure that dumpsters/cans never overflow, regularly remove trash from the trash area, and see that the trash area remains clean by regular sweeping and hosing, when weather permits. Applicant shall see that dumpster covers fit properly and remain closed except when trash or garbage is being added or removed. Applicant will make every reasonable effort to eliminate food sources for rodents to help eliminate the rat population.

b) Applicant agrees to segregate bottles (and recycle, cans and cardboard in accordance with DC Law 7-226) from trash and agrees there will be no loud dumping of bottles, or pickup of the recycling and refuse in the alley behind the restaurant between the hours of 11:00 pm and 8:00 am, seven days a week. No trash, waste or recycling of any kind will ever be left on the ground.

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

5. Bar/Pub Crawls

Applicant agrees not to promote or participate in bar or pub crawls, tours or other similar events.

6. Consideration

Applicant will encourage employees and patrons to be considerate of neighboring residents at all times. Applicant will encourage employees and patrons leaving the establishment to keep conversations and noise to a minimum.

7. Final Agreement and Modification

This agreement amends and supersedes the Original Agreement and any other prior agreements between the Parties, and shall constitute the only agreement between the Parties, except to the extent it is subsequently modified by the Parties. For purposes of DC

Official Code Section §25- 2 446(d)(2)(B), the date of the ABC Board's approval of this agreement shall be considered its initial approval of this Agreement and shall commence the applicable period.

8. Availability of Cooperative Agreement

Applicant agrees to keep available at all times a copy of this Agreement at the establishment and shall familiarize all employees with its conditions.

9. Withdrawal of Protest

- ANC 1C, ANC 2B and KCA withdraw their protests, provided that this Agreement is incorporated into the Board's Order approving the Agreement, which order is thereby conditioned upon compliance with such Agreement, It was seconded, discussed and passed by voice vote.
- Next meeting is Wednesday, February 8 at 7 p.m. at the Kalorama Recreation Center.

B. Public Services and the Environment

- Commissioner Davis announced amendments and updates to the grant proposal process. New rules will continue to be reviewed over the next few meetings.
- Commissioner Davis announced the next meeting will be at the Kalorama Recreation Center on February 22 at 7 p.m.

C. PZT Committee

- The next meeting is Wednesday, February 15 at 7 p.m. at Kalorama Recreation Center.

NEW BUSINESS

Commissioner Reynolds made the following motion:

Resolution Requesting Additional Information on Enhanced Residential Parking Program (ERPP) within the Boundaries of ANC 1C.

Whereas, the 'Residential Parking Protection Pilot Emergency Act of 2011' was introduced by Councilmember Jim Graham on September 16, 2011 and enacted on October 11, 2011; and

Whereas, the District Department of Transportation regulations to establish the Ward 1 Enhanced Residential Parking Program (ERPP) were adopted by the District Council on January 7, 2012; and

Whereas, Chapter 24, Title 18, Section 2411.25 provides that:

2411.25 An Enhanced Residential Permit Parking (ERPP) program shall be established within the boundaries of Ward 1:

Each Ward 1 Advisory Neighborhood Commission (ANC) may implement an ERPP program within the ANC's respective boundaries. The ERPP program shall include the following elements:

One side of each residential block, or fifty percent (50%) of the parking spaces within the ANC boundaries, shall be reserved for Zone 1 Resident Only Parking; the opposite side of the residential block shall be designated as described in § 2411.1;

A motor vehicle without a valid Zone 1 parking sticker shall not park on any portion of a street in Ward 1 that has been reserved for Zone 1 Resident Only Parking under the process established in this regulation;

Any resident owning a vehicle registered at an address within the ERPP program area shall be eligible to apply for residential permit parking decals as provided by the Department of Motor Vehicles; and

All visitors within the ERPP area shall be eligible to participate in the visitor parking pilot program that the Director implements pursuant to § 2414.7;

(b) Each Ward 1 ANC may, by resolution voted upon in accordance with the law governing ANCs, choose not to participate in the ERPP program. Absent such a resolution, all of the provisions of § 2411.25(a) shall apply to each residential block of the Ward 1 ANC unless prohibited by § 2411.25(c) or § 2411.25(d);

(c) Any blocks within a streetscape construction project impact zone in Ward 1 shall be excluded from the ERPP program until the Director of the District Department of Transportation declares that all major construction associated with the streetscape construction project impact zone is complete; and

(d) For purposes of this section, the phrase "streetscape construction project impact zone" means an area designated by the District Department of Transportation where, due to the nature and duration of a streetscape project (that is, a roadway construction project on a commercial street), a local or small business as defined in D.C. Official Code §§ 2-218.31 and 2-218.32 (2011 Repl.) may experience demonstrated losses during the construction period.

And; Whereas, the District Department of Transportation welcomes comment from ANCs in Ward 1 regarding the implementation of ERPP program in each respective ANC; and

Whereas, Advisory Neighborhood Commission did convene a Special Forum on January 18 to host and hear presentations from Councilmember Graham, author of the legislation; Ms. Alice Kelly and Mr. Damon Harvey from the District Department of Transportation and to receive comments from the community;

NOW, Therefore be it Resolved, that Advisory Neighborhood Commission does request the District Department of Transportation to report to ANC 1C within 30

days of the receipt of this Resolution with a projected timetable for the implementation of each of the four sections of the ERPP program as well as a declaration of which blocks inside of ANC 1C shall be excluded from the ERPP program as being inside a streetscape construction project impact zone as defined in Section 2411.25 (c) and (d); and

Further Resolved, that the District Department of Transportation, in conjunction with the District Department of Motor Vehicles provide within 30 days of the receipt of this Resolution guidelines and procedure for the confirmation of RPP eligibility and Visitor Pass eligibility for residents in commercial areas to further clarify 2411.25 (a);

(3) Any resident owning a vehicle registered at an address within the ERPP program area shall be eligible to apply for residential permit parking decals as provided by the Department of Motor Vehicles; and

All visitors within the ERPP area shall be eligible to participate in the visitor parking pilot program that the Director implements pursuant to § 2414.7;

And Further Resolved; that the District Department of Transportation provide to ANC 1C, within 30 days of the receipt of this Resolution, with clarification of the date or deadline by which ANC 1C may Opt Out of the ERPP program; and

Finally Resolved; that the Chair of ANC 1C is authorized to communicate this Resolution to Councilmember Graham, the Director of the District Department of Transportation, and the Director of the District Department of Motor Vehicles.

It was seconded, discussed and amended, passed by roll call vote:

- YEA: Moye, Kamanda, Davis, Mossi, Miller, Boettrich, Lanning
- NAY: Reynolds

Commissioner Lanning made the following motion:

Whereas, after a series of issues related to ethical scandals, illegal behavior, undue influence, and transparency in political fundraising, the D.C. Council passed a version of ethics reform, but did not go far enough to address the issue of monied interests, campaign bundling and transparency in pay-to-play relationships;

Whereas, a group residents has put forward a ballot initiative under the name of the D.C. Committee to Restore Public Trust, to take the steps needed to reform D.C. campaign finance laws to remove the influence of direct campaign contributions to elected officials and candidates;

Whereas, this ballot initiative meets the legal standard on subject matter to be put before the voters of the District of Columbia at the November 2012 general elections; (Under the law, an Initiative or Referendum may not appropriate funds, When the Board makes its subject matter determination, it may consider only whether the Measure meets these requirements.)

Now, therefore, be it resolved that ANC 1c urges the D.C. Board of Elections and Ethics to approve expeditiously the submission by the D.C. Committee to Restore Public Trust and allow the vote initiative to move forward in its efforts to collect the required signatures necessary to qualify for the ballot.

It was seconded, discussed and passed by voice vote.

Commissioner Davis made a motion to grant \$1,000 to Sara's Circle. It was seconded, discussed and passed by voice vote.

Brian Friedman was recognized for a late announcement that the church/hotel developer filed a HPRB request for review the previous week and the Concept Review is scheduled for February 23.

At 10:24 PM Commissioner Moye made a motion to adjourn, it was seconded and passed by voice vote.