

ADVISORY NEIGHBORHOOD COMMISSION IC
Adams Morgan
Minutes of December 5, 2012

A regularly scheduled meeting of Advisory Neighborhood Commission 1C was held on December 5, 2012 at Mary's Center. Chairperson Wilson Reynolds called the meeting to order at 7:05 pm. Approximately 43 members of the public attended.

In attendance were Stacey Moye (1C01), Martis Davis (1C02), Gabriela Mossi (1C04), Steve Lanning (1C06), Wilson Reynolds (1C07) and Kathie Boettrich (1C08).

MPD & FEMS Report

A. Captain Chapman of Washington Fire and EMS Department reminded everyone of the Toys for Tots drive. Unwrapped toys may be dropped off at any fire station until December 26. He also gave safety tips for winter months and holidays including using portable heaters safely and keeping Christmas trees moist. He reminded everyone that indoor portable kerosene heaters are illegal in DC.

In response to a question from the public Captain Chapman said proposed changes in EMS deployment is intended to have the maximum number of ambulances available during peak hours. There may be upcoming hearings on this. Council review has been requested.

B. Deputy Attorney General Andrew Fois reported on the investigation of a stabbing incident at the Woodley Park metro station on November 17, 2012. Nine arrests were made at the time, including the 17-year-old who did the stabbing.

Fois added that the spike in robberies has come back down now, but urged residents to take care when walking through the streets carrying electronics. He encouraged "bricking" phones so that they can be disabled after being stolen. <http://mpdc.dc.gov/page/stolen-smart-phone-brick-it>.

Officer's Reports

A. Chairman's Report

Chairman Reynolds received notice of a meeting with Chancellor Kaya Henderson on the proposed closing of certain DC schools in 2013. Commissioner Davis will attend the meeting.

B. Secretary's Report

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

C. Treasurer's Report

Commissioner Boettrich gave the financial report and announced the quarterly report has been completed.

Commissioner Announcements/Comments

Commissioner Stacey Moye made the following announcements:

- A new HPRP brochure on the historic district on Washington Heights (an area that includes half of Adams Morgan) has been published. Copies were available.
- Washington Humane Society has a holiday drive for their adoption centers. In-kind donations can be dropped off at various locations including Fur-Get Me Not in Adams Morgan.
- This was Commissioner Moye's last full meeting as an ANC Commissioner. She thanked her colleagues and constituents for the rewarding experience.

Commissioner Boettrich announced that this was her last ANC meeting and thanked her colleagues and constituents.

Commissioner Mossi made the following announcements:

- Enterprise DC provides training for starting small businesses. She supplied brochures with training information. <http://wacif.org/enterprisedc/>
- There will be upcoming meetings on changes to DC's Zoning Ordinances. Fact sheets were provided in the back. <http://dcoz.dc.gov/info/zrr.shtm>

Commissioner Davis made the following announcements:

- Recognized that Mayor Gray had issued a declaration recognizing Lisa Duperier's work in the community in October. Commissioner Davis thanked her years of work leading Adams Morgan Main Street Group.
- Introduced the Envision Adams Morgan team, Patrick Landers and Kara Davis, who reported on work groups, communications campaign and website plans for Envision.

Public Comments

Announcements were made from the members of the public regarding:

- Upcoming training dates for community emergency response training (CERT) <http://serve.dc.gov/service/community-emergency-response-team-cert-training>
- Reed-Cooke Neighborhood Association President and ANC 1C06 Commissioner-elect Billy Simpson announced RCNA's holiday celebration would take place on December 13 at the Black Squirrel.
- Kristen Barden, Executive Director of the Adams Morgan BID reported on efforts to restore the Adams Morgan mural damaged in the earthquake.
- Lisa Duperier of Adams Morgan Main Street Group inquired about an ANC lottery for a free parking space located in the Adams Station lofts. Chairman Reynolds said he would look into it.
- Jim Nixon, owner of Toro Mata, asked about the status of a valet parking application and the process for its consideration. Chairman Reynolds said it would be addressed later in the meeting.
- Juan Camilo Barragan of Mayor Grey's Office of Community Relations and Services announced a memorial service for civil rights activist Lawrence Guyot on December 15.

Municipal Reports & Presentations

A. Presentation by Patrick D. Mara, Ward One State Board of Education Member on Graduation Requirements

Patrick Mara, State Board of Education representative for Ward One, reported on a proposal for minimum requirements for high school graduation. A vote is scheduled in February 2013 following 10 public meetings. He may be reached at Patrick.mara@dc.gov.
<http://osse.dc.gov/service/state-board-education-meetings-and-hearings>

B. Presentation by Sustainable DC Planning Team

Dan Guilbeault of the DC Department of the Environment reported on Mayor Gray's goals for the Sustainable DC initiative and how people can get involved in the various working groups that overlap with other city initiatives. <http://sustainable.dc.gov/>

Committee Reports

A. ABC and Public Safety

Commissioner Lanning announced that the next ABC and Public Safety Committee meeting would be Wednesday, December 12 at the Kalorama Recreation Center.

1. Motion to Approve Voluntary Agreement with Duchess & the Queen (Lanning)

Commissioner Lanning offered a motion to approve a voluntary agreement between Duchess and The Queen pub and the Kalorama Citizens Association and other individuals. Chairman Reynolds left the room prior to the vote as he has a long-standing business relationship with the applicant. The motion to approve the voluntary agreement was seconded, discussed, and passed by voice vote.

**COOPERATIVE AGREEMENT CONCERNING
THE ISSUANCE OF A LICENSE TO SELL ALCOHOLIC BEVERAGES**

THIS AGREEMENT is made and entered into this 5th day of December, 2012, by and between 750 Biere, LLC, t/a Duchess and The Queen, 2102 18th Street, NW (hereinafter the "Applicant"), Advisory Neighborhood Commission 1C (hereinafter "ANC 1C"), the Kalorama Citizens Association (hereinafter the "KCA"), and individual protestants James A. Bulen; Angel E. Botto; John L. Elko; Annabel Hertz; Cliff Mauton, and Jennifer L. Saulino, (the Applicant, ANC 1C, the KCA, and the individual protestants, shall be known hereinafter as "the Parties"), as the license previously numbered ABRA-012650 comes out of safekeeping and an application for transfer and substantial change to Duchess and The Queen has been filed.

RECITALS

WHEREAS, the Applicant shall operate a restaurant known as Duchess and The Queen, 2102 18th Street, N.W., Washington, D.C. 20009 pursuant to issuance of license number ABRA-089545 ("Establishment"), a CR-01 license;

WHEREAS, the Applicant shall amend the instant Application to remove the entertainment endorsement and add a brew pub endorsement;

WHEREAS, the Establishment is within the boundaries of ANC 1C;

WHEREAS, the Establishment is located within KCA's boundaries and KCA has members residing within the affected area;

WHEREAS, the individual protestants comprise "a group of no fewer than 3 residents or property owners of the District sharing common grounds for their protest" as set forth in D.C. Official Code §25-601(2) (as amended) providing the standing for persons to protest a license;

WHEREAS, the Applicant has requested the removal of license ABRA-012650, previously known as "Avignone Freres" from safekeeping under the D.C. Alcoholic Beverage Control Act, and has applied to transfer the license to a new location at 2102 18th Street NW;

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

- 1. Operation.** At all times, the Applicant shall operate a bona-fide restaurant with brew pub endorsement, with the primary purpose of food preparation and consumption, as defined in D.C. Code §25-101(12) and (43). The basement of the premises shall be where the brewing machinery and devices are located. The Applicant may conduct private brew pub tours that include the basement. No alcoholic beverages shall be sold to, or consumed by, patrons of the establishment while in the basement, or those participating in tours of the restaurant/brew pub, in the basement. Patrons of the restaurant/brew pub will only utilize floors 1 and 2. Floor 3 will not be used by restaurant patrons. Upon final passage of Bill 19-824, the ABC Omnibus Amendment Act of 2012, with amendments to brew pub rules that will allow growlers to be filled at on-premise establishments, the Applicant may fill growlers in the basement level of the establishment for consumption elsewhere. Applicant shall assure that no such growlers filled at his establishment are later opened in the establishment.

2. Hours. The permitted hours of operation shall be:

Sunday- Thursday 10:00 am -12:00 midnight

Friday & Saturday: 10:00 am - 1:00 am

Handwritten: HOURS FOR THE SALE OF FLOWERS SHALL END AT 12:00 MIDNIGHT EACH DAY OF THE WEEK

Applicant agrees to announce "Last Call" 30 minutes before closure each night of operation and to deliver final alcoholic beverages to customers no later than 20 minutes before closure, after which no further alcohol shall be served.

*With the exception of New Year's Eve, when the Applicant may operate as provided at 23 DCMR §705.11.

3. Sound/Music/Noise.

- a. Applicant shall install sound/vibration dampening materials in the Establishment in all rear walls, including the rear south side projecting walls to the 2nd floor.
- b. Applicant acknowledges familiarity with and will comply with all applicable noise-control provisions of District of Columbia law and regulations, including, but not limited to the D.C. Noise Control Act of 1977 (D.C. Law 2-53), including 20 DCMR, Chapters 27 and 28, as amended. Applicant agrees to prevent 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 D.C. Official Code § 25-725 (2001).
- c. Doors and windows of the premises shall 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 using the door for ingress to or egress from the premises.
- d. Doors used for patron ingress and egress will never be propped or tied open.
- e. The sound from recorded music played inside will not be audible at surrounding residential housing areas.
- f. Applicant agrees that there shall be no vendor deliveries through the alley door.
- g. Applicant agrees to install quiet and odorless kitchen ventilation systems. Such venting systems shall be located as far as possible from the rear of the Establishment and emissions shall be directed toward 18th Street so that any odors emitted will have as little effect on residents to the rear of the Establishment as possible.
- h. Application does not include an entertainment endorsement. However, in accordance with the definition of "entertainment" in D.C. Code §25-101(21A), pre-recorded music is permitted.

4. Trash, Recycling and Rodents.

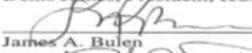
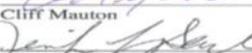
- a. Applicant shall maintain daily trash and recycling removal service, regularly remove trash from the exclusive trash and dumpster area, and see that the trash and dumpster area remains clean. Trash and recycling will be conveyed to the removal company's trucks, which will not enter the narrower alley directly behind the Establishment. Applicant will provide a board fence around the dumpster area.
- b. Applicant agrees that the Establishment's trash and recycling containers will remain tightly secured and that any bags placed inside will be tightly sealed.
- c. Applicant will provide for the proper removal and recycling of grease and fatty oils from the Establishment. Applicant agrees never to place any container holding grease or fatty oils in the Establishment's trash or recycling containers.
- d. Applicant agrees to segregate bottles (and to recycle bottles, cans, plastics and cardboard in accordance with DC Law) from trash and agrees there will be no dumping of empty bottles or other recycling outside, or pickup of the recycling and garbage in the alley behind the restaurant between the hours of 11:00 pm and 8:00 am, seven days a week.

- e. Applicant shall deposit trash and recycling only in rodent-proof dumpsters and shall see that dumpster covers fit properly and remain fully closed except when trash or recycling is being added or removed. Applicant will make every reasonable effort to eliminate food sources for rodents to help eliminate the rat population.
- 4. Occupancy.** The Establishment's seating capacity shall not exceed ninety-nine (99) persons. The Establishment's total occupancy shall not exceed one-hundred and fifty (150) persons.
- 5. Bar & Pub Crawls.** Applicant agrees not to promote or participate in organized, multi-bar tours, bar or pub "crawls" or similar events.
- 6. Sidewalk Café/Summer Garden.** Applicant agrees that any request to the Public Space Committee for a sidewalk café at the Establishment shall not infringe upon the width of clear passageway of 12 feet from the inside of the curb recommended to the Committee by resolution of ANC 1C and the KCA. Copies of these resolutions shall be attached at the rear of this agreement.
- 7. Brew Pub Endorsement.** Applicant agrees to submit an amended Application to the Alcoholic Beverage Regulation Administration (ABRA) for a brew pub endorsement. The parties to this agreement agree to not protest this further request of ABRA, provided that the request as noticed on ABRA placards does not exceed any of the conditions contained in this agreement.
- 8. Parking.** Applicant and individual protestants agree to each create and install signs stating that:
 - a. In the case of the Applicant, signs shall be posted in conspicuous locations inside the establishment advising that any patron parking in private space adjacent to 1807 California is subject to towing.
 - b. In the case of the individual protestants, only parking by Winchester residents is permitted on private space around 1807 California Street, NW.
- 9. Consideration.** Applicant will encourage employees and patrons to be considerate of neighboring residents at all times by signs posted in the establishment. There shall be no use of the alley by employees during breaks.
- 10. Modification.** This Agreement can be modified only by the ABC Board, or by mutual agreement of all the parties with the approval of the ABC Board. Any modification by ANC 1C must be approved at a duly noticed public meeting with a quorum of commission members present.
- 11. Regulations.** In addition to the foregoing, Applicant will operate in compliance with all applicable laws and regulations.
- 12. Availability of Voluntary Agreement.** Applicant agrees to keep available at all times a copy of this Agreement at his establishment and to familiarize all his employees with its conditions.
- 13. Final Agreement and Modification.** This agreement shall constitute the only agreement between the Parties, except to the extent it is subsequently modified by the Parties. For purposes of D.C. Official Code Section §25-446(d)(2)(B) (as amended), the date of the ABC Board's approval of this agreement shall commence the applicable period.

**Page of Signatures
Duchess and Queen Cooperative Agreement; ABRA License No. 089545
December 5, 2012**

Applicant

 Signature _____ Date _____
 Please print name Jorge A. Aguilar Title MAYOR

ANC IC
 Signature  Date 12-5-12
 Please print name Stephen J. Lanning Title ABC Committee Chair
 Signature  Date 11-5-2012
 Denis James, President, KCA
 Signature  Date 12/8/12
 James A. Bulen
 Signature  Date 12/8/12
 Angel E. Bitto
 Signature  Date 5 Dec 2012
 John L. Elko
 Signature  Date 12/8/12
 Annabel Hertz
 Signature  Date _____
 Cliff Mauton
 Signature  Date 12-7-12
 Jennifer L. Saulino

2. Resolution Concerning Madam's Organ Sidewalk Café Hours for Sale, Service and Consumption of Alcohol (Lanning)

Commissioner Lanning offered a resolution concerning Madam's Organ application for hours of operations for its sidewalk café. During the discussion Bill Duggan of Madam's Organ urged the ANC to take no position. He noted that an ABC hearing on the matter was scheduled for December 13. Commissioners discussed meeting with Mr. Duggan to reach an agreement on hours for the sidewalk café.

Commissioner Moye moved to strike the first and second paragraphs referencing the Adams Morgan moratorium on new alcohol licenses because it does not apply to this application. The motion was seconded by Commissioner Boettrich, discussed and passed by voice vote.

The resolution was discussed, amended, and passed by voice vote with one abstention.

Resolution Concerning Madam's Organ Sidewalk Cafe Hours for Sale, Service, and Consumption of Alcohol

Whereas residents continue to look for ways to address significant problems with peace, order, and quiet, and to ensure that it does not get worse;

And whereas, in summer 2012, the 18th Street Streetscape project was completed which created significantly wider sidewalks on 18th Street;

And whereas, as a consequence of these wider sidewalks, numerous ABC licensed establishments in Adams Morgan have begun the process of seeking sidewalk cafes;

And whereas, although ANC1C welcomes these sidewalk cafes, ANC1C wants to ensure that the outdoor sale, service, and consumption of alcohol at these sidewalk cafes does not overlap with and contribute to this negative late night environment in Adams Morgan that has been identified by the ABC Board;

And whereas ABC licensee Madam's Organ, with license number ABRA-025273, has applied to the ABC Board for permission to have sales, service, and consumption of alcohol at its sidewalk cafe until 1:30 am Sunday through Thursday, and 2:30 am Friday and Saturday;

Now Therefore Be It Resolved: ANC1C encourages Madam's Organ to work with ANC1C and the community to reach agreement on appropriate earlier hours for ceasing the sale, service, and consumption of alcohol at the Madam's Organ sidewalk cafe.

Further Resolved: ANC1C asks that the ABC Board require that sale, service, and consumption of alcohol at the Madam's Organ sidewalk cafe be limited to patrons who are seated at tables.

B. Public Services and the Environment

Commissioner Davis announced that Public Services Committee would not meet in December. The next meeting of the Public Services and the Environment Committee will be on January 23, 2013.

C. Planning, Zoning and Transportation

Commissioner Reynolds announced that the next meeting of the Planning, Zoning and Transportation Committee would be on Wednesday, December 19, 2012.

New Business

A. Review of HPRB Case No. 12-625, re: 2012/2014 Kalorama Road NW (Reynolds/Davis)

Commissioner Davis offered a resolution to request HPRB's reconsideration of HPO case 12-625 regarding construction at 2012/2014 Kalorama Road. Representatives from abutting buildings, Mary McReynolds representing the 2101 Connecticut Cooperative and Jenna Daniels, President of the Stratford Condominium Board stated that Loch 7 developers did not consult with neighbors on the development project and asked the ANC to support HPRB's reconsideration of the case and that no other agencies issue permits till their views are

considered. Representatives from Loch 7 indicated that they had sent notice to all of the neighbors as required by the HPRB application, but building representatives said they received no notice.

The Commission adopted the following amendments by voice vote: Commissioner Boettrich's amendment that HPRB hear fully from residents of 2101 *and* the Stratford; Commissioner Moyer's amendment to add the President of the Stratford Condominium in the sixth paragraph; and Commissioner Reynolds amendment regarding informing DCRA and freezing permits. The resolution was seconded, discussed, amended and passed by voice vote.

Resolution to Request Reconsideration of HPO Case 12-625 regarding 2012/2014 Kalorama Road, NW. (Reynolds/Davis)

Whereas the 2101 Connecticut Avenue Cooperative is an abutting property to the proposed development at 2012/2014 Kalorama Road, NW; and

Whereas ANC 1C has received correspondence dated December 4, 2012 from the 2101 Connecticut Avenue Cooperative Apartments, Inc. stating that the Board of Director did not receive notice of Case Number 12-625; and

Whereas in the same correspondence it is stated the Stratford Condominium at 2010 Kalorama Road, NW, another abutting property to 1012/2014 Kalorama Road, did not receive notice of Case Number 12-625; and

Whereas both at the October 17 Planning, Zoning and transportation Committee meeting and the November 7 meeting of Advisory Neighborhood Commission 1C representatives of Loch 7 Development stated that abutting property owners had been contacted and did not oppose the project; and

Whereas on October 25 Case 12-625 was approved on the HPRB Consent Agenda; and

Whereas the President of the Board of the 2101 Connecticut Avenue Cooperative Apartments, Inc. and the President of the Stratford Condominium have requested the ANC 1C to seek reconsideration of this case;

Now Therefore be it Resolved; ANC 1C does request the Historic Preservation Review Board to reopen and reconsider case Number 12-625 and hear from the abutting neighbors; and

Further Resolved that DCRA be informed of this request and freeze any permit processing; and

Finally Resolved that this Resolution be communicated to the Historic Preservation Review Board and DCRA by the Chair of ANC 1C.

B. Resolution to Support Temporarily Relaxing of ANC Voluntary Agreements for 2013 Presidential Inauguration (Lanning)

Commissioner Lanning offered a resolution to support temporarily relaxing ANC voluntary agreements during the Presidential Inauguration celebrations.

The resolution was seconded, discussed, amended and passed by voice vote:

Resolution to Support Temporarily Relaxing of ANC Voluntary Agreements for 2013 Presidential Inauguration

Whereas, the Council of the District of Columbia has enacted a Budget Support Act that will allow class C retail establishments to extend their hours of operation and sales of alcohol for a seven day period, January 18 through January 21, 2013, during the 2013 Presidential Inauguration; and

Whereas, the Attorney General of the District of Columbia has ruled that existing voluntary agreements between Advisory Neighborhood Commissions, community organizations and residents supersede the actions of the Council; and

Whereas, the Advisory Neighborhood Commission 1C has sole and/or joint voluntary agreements with many class C retail establishments and/or the Kalorama Citizens Association, and/or the Reed Cooke Neighborhood Association.

Now, Therefore, Be It Resolved, that ANC1C agrees to the following with regard to sole and/or joint voluntary agreements between the ANC, the Kalorama Citizens Association, the Reed Cooke Neighborhood Association and class C retail establishments that have applied for the extended inaugural hours by the ABRA-mandated deadline of 4 p.m. on January 7, 2013:

ANC1C supports waiving any restrictions on the initial hour an establishment may open from (January 18 through 21, 2013) for the sale, service and consumption of food and alcoholic beverages so they may begin service at 8:00 a.m. and end at 4:00 a.m.

C. Motion to Oppose Le Liquor License (Lanning)

Commissioner Lanning offered a motion to oppose Le Liquor's application for a Class A Retail License. It was seconded by Commissioner Boettrich, discussed, and passed by voice vote.

Motion to Protest Le Liquor's Request for a Class "A" Retail License

Whereas Le Liquor applied for a Class "A" Retail License for an establishment that currently does not sell beer, wine or liquor;

Whereas the proposed establishment would have adverse effect on the peace, order and quiet in the neighborhood;

Now, therefore, motion is made to protest Le Liquor's application for a retail liquor license.

D. Resolution to Recommend Postponing Vote on Sun Services Valet Parking (Boettrich)

Chairman Reynolds explained that there had been much confusion about whether Sun Services had filed a complete application with the DOT Public Space Committee for a valet parking permit. Sun Services had not filed a complete application, so ANC 1C had no valet application to consider.

Commissioner Boettrich moved to consider a resolution to postpone any vote by the ANC on Sun Services Valet Parking application until the ANC develops a policy on valet services. It was seconded by Commissioner Lanning, discussed and passed by voice vote:

Resolution Concerning Valet Service (Boettrich)

Whereas five sitting ANC Commissioners are leaving the Commission and have years of experience with valet services in general and Sun Services specifically; and,

Whereas the new commission will potentially be asked to vote quickly on valet services; and,

Whereas Sun Services has an unfortunate history of poor operations in Adams Morgan and a willful lack of regard for residents and businesses;

Therefore, be it resolved that ANC 1C questions Sun Services' ability to provide safe, reliable valet services that respect the peace, order and quiet of Adams Morgan and recommend that any vote on valet services be postponed until an Adams Morgan valet services policy be enacted.

Adjournment

At 10:29 pm Commissioner Reynolds made a motion to adjourn, which was seconded and passed by voice vote.