

Please note: In addition to the text and vote counts of the official actions taken by the Commission, these minutes may contain summaries of comments that were made and discussions that took place at the meeting. Such summaries are not intended to be a verbatim account of the meeting.

**Advisory Neighborhood Commission 1C
Adams Morgan
Minutes of March 11, 2013**

A regularly scheduled meeting of Advisory Neighborhood Commission 1C was held on March 11, 2013 at Mary's Center. Chair Billy Simpson called the meeting to order at 7:00 pm. Approximately 17 members of the public attended.

In attendance were Commissioners Brian Hart (1C01), Martis Davis (1C02), Ted Guthrie (1C03), Gabriela Mossi (1C04), Elham Dehbozorgi (1C05), Billy Simpson (1C06), Wilson Reynolds (1C07), and Jimmy Rock (1C08).

I. Officer's Reports

A. Chair's Report

1. Chair Simpson reported that Mayor Gray plans to hold a town hall meeting on the budget in Adams Morgan in April and has invited Advisory Neighborhood Commission 1C to co-host the meeting. Chair Simpson moved to co-host the meeting. The motion was seconded and adopted by an 8-0 voice vote.

2. Chair Simpson noted that the Commission needs to continue to pay rent to Mary's Center for the current meeting space until a new space is found. He made a motion to continue paying monthly rent to Mary's Center until the end of 2013 unless there is a subsequent vote to move meetings to the Marie Reed Elementary School. Commissioner Dehbozorgi seconded the motion which was adopted by an 8-0 voice vote.

B. Secretary's Report

1. Secretary Guthrie moved to approve the correction to the minutes of the special session of ANC 1C in August 2012 and the minutes from the monthly meeting of February 2013. Commissioner Reynolds seconded the motion to approve both sets of minutes and the motion passed by an 8-0 voice vote.

2. Secretary Guthrie introduced a discussion about the amount of detail that should be included in the minutes of the monthly meetings. He suggested including a brief summary to get the gist of the discussion. Chair Simpson, referencing Commissioner Hart's suggestion, made a motion to add the following disclaimer "In addition to the text and vote counts of the official actions taken by the Commission, these minutes may contain summaries of comments that were made and discussions that took place at the meeting. Such summaries are not intended to be a verbatim account of the meeting." Commissioner Davis seconded the motion and it was passed by an 8-0 voice vote.

C. Treasurer's Report

Treasurer Dehbozorgi reported that the financial report for the quarter ending December 31, 2012 had been filed on time with the auditor and there were no outstanding questions.

II. Commissioner Announcements/Comments

Commissioner Rock reported on a meeting regarding three construction projects in the vicinity of 17th and Euclid Streets. A guide is being developed for site managers.

Commissioner Hart noted that the Rock and Roll Marathon would be coming through Adams Morgan on Saturday, March 16th and that Columbia Road between 16th and 18th Streets would be blocked between 8:00 and 10:30 am for runners.

Commissioner Mossi informed the public about several projects of the DC Office of Aging including partnering seniors with young children for mentoring. Flyers were provided on the back table.

Commissioner Mossi also announced an upcoming meeting of the DC Department of Housing and Community Development for tenants and tenant stakeholders on rent control and other issues. She also announced a series

of [community needs assessment hearings](#) that the DHCD is holding on housing needs in DC. The Ward 1 meeting will be on March 26th in Reeves Municipal building.

Commissioner Mossi reminded the public that the DC Department of Consumer & Regulatory Affairs and the DC Bar Pro Bono program are continuing to sponsor [legal clinics for small business owners](#).

Commissioner Davis noted that the Kalorama Citizens' Association's newsletter has an article highlighting the trend of developers to change single-family homes into multiple condominiums.

Commissioner Reynolds announced that the DC Office of Tax and Revenue (OTR) is holding a series of [free tax assistance sessions](#) in March, including help with property assessment questions, available to all residents.

Commissioner Reynolds announced that PEPCO has filed for a rate increase and provided copies of a [press release](#) from the Office of the People's Counsel for DC on the issues.

III. Public Announcements / Comments

- Bill O'Field announced that the voter registration deadline is March 25 for the April 23 special election. Same-day registration will be provided, but such voters must cast a special ballot. He placed registration forms on the back table.
- Brianne Nadeau reported on the [Clean Currents Green Neighborhood](#) challenge that Sustainable U is undertaking for the 14th and U Streets neighborhood. Clean Currents uses renewable sources of energy.
- Kristen Barden, Executive Director of Adams Morgan Business Improvement District (BID), announced that a new edition of the Adams Morgan BID brochure has been printed and provided copies.
- Denis James of the Kalorama Citizens' Association thanked Commissioner Davis for commenting on the KCA newsletter article on the trend of condominiums replacing single family homes. The KCA meeting on March 14 will address what the community might do to keep new developments more in keeping with existing architecture and protect historic districts in Adams Morgan.
- Lisa Duperier announced a fund raiser for Kalorama Park at on Tuesday March 19th at the Grill from Impanema.
- Franklin Maduro, the Ward 1 Liaison for Mayor Grey's office, confirmed the earlier mention of the Mayor's town hall meetings on the budget.

IV. Committee Agendas for March

Chair Simpson announced that Committee agendas for March could be found on the reverse side of the monthly Commission meeting agenda, copies of which were available at the meeting. He noted that the committee agendas are also posted on the Adams Morgan listserv.

V. Scheduled Business

A. Public Services and the Environment Committee

Commissioner Davis, Chair of the Public Services and Environment Committee, reported on a grant request of \$1,000 by the Young Playwrights Theater, which had been recommended by the Committee. Commissioner Reynolds moved to make the grant which was seconded by Commissioner Davis. The grant was approved by an 8-0 voice vote.

Allison Beyrle, of the Young Playwrights' Theater, spoke about current and future plans of YPT.

B. Planning, Zoning, and Transportation Committee

1. Request for Pedestrian and Traffic Signage and Light Timing

Commissioner Rock, Chair of the Planning, Zoning, and Transportation Committee, made a motion to send a letter to the District Department of Transportation requesting (i) additional pedestrian signage at the crosswalks where Belmont Road, Champlain Street, Ontario Road, and 17th Street intersect with Columbia Road, (ii) better signage or flashing lights identifying the drop-off / pick-up zone for students at Marie Reed Elementary School, and (iii) improved timing for the lights where Ontario Road intersects with Columbia Road

and for where Fuller Street intersects with 16th Street. Commissioner Reynolds seconded the motion which then passed by an 8-0 voice vote.

2. Traffic light at Florida Avenue and 20th Street

Commissioner Rock made a motion to send a letter to the District Department of Transportation in support of installation of a traffic light at the corner of Florida Avenue and 20th Street, which was seconded by Commissioner Davis. After discussion the motion was amended to request a delay in installing the light, consideration of other options, requesting related traffic studies, and requesting that a DDOT representative come to the ANC's April 3rd meeting to discuss the matter. The amended motion was approved by an 8-0 voice vote.

C. ABC and Public Safety Committee

1. Light fixtures at Marie Reed Elementary School

Commissioner Simpson made a motion requesting the Commission's authorization for sending a letter to the Chancellor of Schools, the Office of the Mayor, the members of the District Council's Education Committee, Councilmember Graham, and local media if the remaining lights that are out of order at Marie Reed Elementary School are not fixed immediately. Commissioner Rock seconded the motion which passed by a voice vote of 8-0.

2. Proposed gun legislation

Commissioner Hart made a motion to send a letter to Councilmember Tommy Wells, Chair of the Committee on the Judiciary and Public Safety, in support of strengthening the 1994 Assault Weapons Resolution of 2013. Commissioner Reynolds seconded the motion which was adopted by a voice vote of 6-0, with 2 Commissioners abstaining.

3. Le Liquor settlement agreement

Commissioner Guthrie moved to approve a settlement agreement with Le Liquor regarding its license application to sell alcohol as a retailer. Commissioner Simpson seconded the motion which was adopted by an 8-0 voice vote.

Settlement Agreement Concerning License To Sell Alcoholic Beverages

Agreement, made this _____ day of February, 2013, by and between Applicant Quang V. Le, dba Le Liquor, 1776 Columbia Road NW, and Advisory Neighborhood Commission 1C (ANC 1C), the parties.

Whereas, Applicant has applied for an off-premise retailer's license, Class A, to sell beer, wine and spirits at the above-listed location, and

Whereas, ANC 1C filed a protest in this matter, and is concerned about the peace, order and quiet of the surrounding neighborhood, including concerns about public intoxication, loitering and litter.

Whereas, Applicant is willing to take certain measures to satisfy ANC 1C's concerns.

Now, then, the parties agree as follows.

1. Operation:

The hours of operation shall be: Monday- Saturday: 10:00 AM- 8PM; Sunday: Closed

2. Products:

Applicant agrees not to:

- A. divide a manufacturer's package of more than one container of beer, malt liquor, or ale, to sell an individual container of the package if the capacity of the individual container is 70 ounces or less; or
- B. sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor or ale with a capacity of 70 ounces or less.

Applicant further agrees to not sell or give "go-cups" to customers. Under the Alcoholic Beverage regulations, a "go-cup" is defined as: "a drinking utensil provided at no charge or a nominal charge to a customer for the purpose of consuming alcoholic beverages off the premises of an establishment."

3. Community concerns.

- A. Applicant understands that it is illegal to sell or serve alcoholic beverages to intoxicated persons and agrees to refrain from selling to individuals who are intoxicated or who appear to be intoxicated.

B. Applicant agrees to make every effort, including the posting of signage to prevent loitering and public consumption of alcoholic beverages on and around the premises, in the front or in the rear, and if such activity occurs, to report it to the Metropolitan Police Department.

C. Applicant shall post a notice kept in good repair and visible from point of entry a sign, which states the minimum age requirement for purchase of alcohol and the obligation of the patron to produce a valid identification document in order to purchase alcohol.

D. Public Space Cleanliness and Maintenance: Applicant agrees to keep the public sidewalk, curb and gutter in front of the establishment free of litter on a daily basis, keep the trash and recycling area in the alley neat and orderly with containers firmly closed and to maintain regular trash and recycling pick-ups. No waste or recycling materials shall be placed loose on the ground, either on private space or the public alley. Applicant agrees to remove snow and/or ice from sidewalks within the time limits set by the District of Columbia for such snow and/or ice removal. And Applicant agrees to promptly remove graffiti from the exterior walls of the property. For purposes of this agreement, promptly is defined as within two (2) weeks of graffiti's appearance.

4. Continuing cooperation.

The parties agree to be in contact about any problems or community concerns related to the operations of Le Liquor. For this purpose, spaces for contact information are included below in the signature area. This cooperative agreement is binding on the applicant and its assigns and will continue in force for any and all subsequent license holders at this location.

5. Withdrawal of Protest/ Amendment of Agreement

ANC 1C agrees to the withdrawal of its protest, conditioned upon the Board's approval of this agreement. Should the parties wish to amend this agreement, any such amendment must be approved at a properly noticed meeting of ANC 1C by a vote of commissioners present and constituting a quorum.

4. Representation in ABC Matters

Commissioner Simpson moved to authorize each Commissioner of ANC 1C to act on the Commission's behalf in all matters before the Alcoholic Beverage Regulation Administration and the Alcoholic Beverage Control Board and to send a letter to ABRA confirming this. The motion was seconded by Commissioner Hart and adopted by a voice vote of 8-0.

VI. New Business

A. Libertine Substantial Change

Commissioner Simpson offered a motion to protest the application for substantial changes that the owners/operators of the proposed new restaurant Libertine at 2435 18th Street have requested to their alcohol license. The motion was seconded and passed by voice vote of 7-1.

Motion to Protest Libertine Substantial Change (Simpson)

Whereas Tas, LLC, doing business as Libertine at 2435 18th Street NW, has applied for substantial changes to ABRA License No. 086298;

And whereas the proposed changes to the license would have an adverse effect on peace, order, and quiet in the neighborhood;

Therefore be it resolved that ANC1C protests Tas, LLC's substantial change application.

B. Substantial Changes to Alcohol Licenses

Commissioner Simpson offered a resolution to send a letter to the Alcoholic Beverage Control Board expressing serious concern about recent instances in which the Board has granted significant changes to alcohol licenses without notifying the community or the Commission, requesting that several recent instances be rescinded and placarded for community comment, and requesting that the community and the Commission be notified of any future changes to alcohol licenses that (i) relate to entertainment, (ii) increase size or occupancy (indoor or outdoor), or (iii) extend hours of operation. Commissioner Hart seconded the motion. Several Commissioners expressed concern about the reference to rescission. Commissioner Reynolds expressed an interest in seeking a

meeting with ABRA to try to understand the reasons. Clarifications along these lines were implemented as friendly amendments without objection. The final resolution was approved it by a voice vote of 8-0.

Resolution Concerning Substantial Change Placarding

Whereas ANC1C has learned that the Alcoholic Beverage Control Board (the "ABC Board") has recently approved certain requests from ABC licensees in Adams Morgan without requiring that public notice (placarding) be given, including the following:

- *A request by Libertine for an entertainment endorsement,*
- *A request by Napoleon to significantly expand their operating space, and*
- *A request by Combinacion to expand their hours of operation and hours of entertainment;*

And whereas the ABC Board did not placard the applications for these requests as substantial changes, notwithstanding that past ABC Board practice has been to give public notice for such requests;

And whereas ANC1C, and the residents of Adams Morgan, were therefore not given an opportunity to make their views known to the ABC Board as to the appropriateness of these requests under DC Official Code Title 25, Sections 313(b)(1), (2), (3) and (4), and 314(a)(4) and (c);

And whereas, DC Official Code, Title 25, Section 762(b) states that in determining whether changes are substantial, "the Board shall consider whether they are potentially of concern to the residents of the area surrounding the establishment...";

And, whereas, DC Official Code, Title 25, Section 762(b)(1) through (18) comprises a list of the changes which the Board may consider as substantial which includes among other things:

- *"Provid[ing] music or entertainment if none was provided previously",*
- *"Expand[ing] the operation of the licensed establishment to another floor, roof or deck",*
- *"Provid[ing] for, or expand[ing], an area in which live entertainment would be performed", and*
- *"Extend[ing] the hours of operation";*

And whereas the ABC Board has previously found that Adams Morgan suffers from "significant problems with peace, order, and quiet, particularly with respect to criminal activity, noise, litter, disorderly conduct, crowd control, and vehicular and pedestrian safety, as well as parking problems continue to exist in Adams Morgan during late evening hours...";

Therefore be it resolved that ANC1C will send a letter to the ABC Board expressing ANC1C's serious concern that these requests have been granted without placarding, and requesting that they be placarded in accordance with the law;

And be it further resolved that ANC1C's letter will request a meeting with the Alcoholic Beverage Regulation Administration to discuss the criteria that have been used to make these determinations historically;

And be it further resolved that ANC1C's letter to the ABC Board will insist that all future requests from ABC establishments in Adams Morgan (i) that relate to entertainment, (ii) that would increase size or occupancy (indoor or outdoor), or (iii) that would extend hours of operation, be treated as substantial changes and be placarded in accordance with the law;

And be it further resolved that ANC 1C is authorized to pursue any and all actions necessary to accomplish these objectives.

C. Special Meeting on 2012 – 2014 Kalorama Road NW

Chair Simpson offered a motion to hold a special meeting of the full Commission on March 20, 2013 from 7:00 to 8:00 pm at the Kalorama Recreation Center to deliberate and vote on the proposed development project at 2012–2014 Kalorama Road, NW. Neighbors have been asked to prepare a list of their concerns, and legal authority for those concerns, which will be provided to the developers for their response. Commissioner Rock seconded the motion and it was passed by an 8-0 voice vote.

V. Scheduled Business (Continued)

D. Commission

A discussion of proposed by-laws amendment was postponed.

VII. Adjournment

Chair Simpson moved to adjourn at 9:28 pm. The motion was seconded by Commissioner Davis and passed by a voice vote of 8-0.