

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 December 4, 2013**

**I. Call to Order and Introduction of Commissioners**

A regularly scheduled meeting of Advisory Neighborhood Commission 1C was held on December 4, 2013 at Mary's Center. Chair Simpson called the meeting to order at 7:03 pm. Approximately 20 members of the public attended. In attendance were Commissioners Brian Hart (1C01), Martis Davis (1C02), Ted Guthrie (1C03), Gabriela Mossi (1C04), Billy Simpson (1C06), Wilson Reynolds (1C07), and Jimmy Rock (1C08).

**II. Officers' Reports**

**a. Chair's Report**

Chair Simpson offered a motion to move the January meeting of ANC 1C from January 1 to January 8 and move all January committee meetings back by one week. Commissioner Guthrie seconded the motion that then passed 6 to 0 by voice vote (Commissioner Mossi had not yet arrived).

**b. Secretary's Report**

Secretary Guthrie moved to approve the minutes of the October 2 monthly ANC 1C meeting and the October 9 special forum. Chair Simpson seconded the motion. (Kristen Barden, Executive Director of the Adams Morgan Business Improvement District, commented that her Porchfest announcement in the October 2 minutes should refer to Cultural Tourism DC.) Both sets of minutes were approved by a 6 to 0 voice vote.

**c. Treasurer's Report**

Chair Simpson moved to adopt the quarterly report for the quarter ending September 30 that Treasurer Dehbozorgi had circulated to commissioners. Commissioner Guthrie seconded the motion that passed by a 6 to 0 voice vote.

**III. Commissioner Announcements/Comments**

- Commissioner Davis invited the public to look at the Envision Adams Morgan website and add comments or make suggestions during the comment period which ends in January. He also noted that Mayor Gray's office has noticed the project and will use it for analysis for its programs. Commissioner Davis noted that a team of architectural students from Catholic University will make a presentation this spring on renovating business facades north of 18<sup>th</sup> street.
- Commissioner Davis also announced that members of Dupont Village will come to speak at the Public Services and the Environment Committee meeting in January or February about expanding its services for and by seniors to include Adams Morgan.
- Commissioner Guthrie reported that the Historic Preservation Review Board took up a matter that ANC 1C considered last month involving a home on Wyoming Avenue. HPRB agreed with ANC 1C that the developers' plans to turn a single-family home into a 5 unit development were inconsistent with the historical nature of the neighborhood.
- Commissioner Rock reported that the agreement regarding a proposed delivery dock that ANC 1C had entered into with the developers of the Dorchester may be in jeopardy. The District Department of Transportation told developers that backing in and out across the sidewalk will not be permitted and trucks should load from the street instead.

**IV. Public Announcements/Comments**

- Frank Maduro, Ward 1 liaison for Mayor Gray, announced he was present at the meeting to listen to concerns.

- Allan Jirikowic announced that the Lanier Citizens Association would be meeting at 7 pm on Tuesday, December 10 at 2800 Ontario Road.
- Lisa Duperier reported on a Thanksgiving food delivery to a few families by the Friends of Kalorama Park. She also commented on Commissioner Davis' successful project delivering 52 cooked turkeys to the Central Union Mission.

## **V. Committee Agendas for December**

Chair Simpson announced that the Planning, Zoning, and Transportation Committee would meet on December 18, but that the other committees would not be meeting in December.

## **VI. Scheduled Business**

### **a. Planning, Zoning, and Transportation Committee**

#### **i. Update on Hilton Hotel construction**

A representative from Lowe Enterprises, owners of the Washington Hilton, alerted Commissioners and the public to upcoming construction of a new residential tower adjacent to the Washington Hilton. He said materials will be loaded from T Street for the first phase that will continue through February and perhaps into March. Concrete demolition will begin on December 21 and last about two weeks followed by two to three more weeks of moderately noisy work. Phase 2, which will begin in the Spring, will involve construction above the terrace level. The representative said they would like to keep an open line of communication with the community as the construction goes on.

Commissioners asked about the size and nature of the construction; the expected increase in traffic; and hours when the demolition work would occur. The representative answered that the building is designed for 200 rental apartments of varying sizes; that truck traffic would increase as the tower is built; and that demolition work would occur between 7 am and 3 pm.

Questions from public concerned the size and style of the new building and the entities involved in the project. The representatives said they received input from the Historic Preservation Review Board on the plans for a glass wall and a north façade that mimics the style of the hotel.

Commissioner Hart said he will post updates on the listserv especially when the demolition begins. The representative offered to come to ANC meetings for regular updates.

### **b. ABC and Public Safety Committee**

#### **i. Public safety concerns: Truck traffic on 19th Street NW**

Commissioner Hart reported on the problem of truck traffic on 19<sup>th</sup> Street and moved to adopt a resolution authorizing him to send a letter to the DC Council and Mayor Gray requesting that a ticket-issuing camera be placed on the street to deter illegal delivery truck traffic. Commissioner Reynolds seconded the motion. Commissioner Davis asked whether there are signs that say trucks are prohibited and whether the crossing guard can tell the truck drivers to turn around. Commissioner Reynolds said that Councilmember Jim Graham has recently been in touch with the principal at Adams School about this problem and agreed that this would be a good time to send a letter. The resolution to send a letter requesting an enforcement camera on 19<sup>th</sup> street was adopted by a 6 to 0 voice vote.

#### **ii. Public safety concerns: Oyster Adams traffic on 19th Street NW**

Commissioner Hart reported on complaints he has received about parents parking illegally and blocking alleys and driveways during drop-off and pick-up of students at Oyster Adams School creating unsafe conditions for students and pedestrians and preventing use of alleys and driveways for residents. He noted that Councilmember Graham will be meeting with the principal and residents to talk about putting in place a safety plan. Commissioner Hart moved to send a letter highlighting the importance of this issue and asking for a specific vehicle management plan. Commissioner Reynolds seconded the motion and asked whether this issue could be combined with the issue of truck traffic on 19<sup>th</sup> Street and addressed in one letter.

Commissioner Hart noted that there are different stakeholders involved in the two issues. Commissioner Guthrie suggested keeping the letters separate, but cross-referencing them. There was no opposition to a friendly amendment to leave open the option of combining the issues in one letter. The motion then passed by a voice vote of 6 to 0.

### **iii. Restaurant alcohol license renewal for District**

Commissioner Simpson provided background on a restaurant alcohol license renewal application for District, previously known as Chloe. He explained that this license came out of safekeeping very recently and is now being placarded for renewal. Commissioner Simpson had asked the Alcoholic Beverage Control Board to delay bringing the license out of safekeeping and to keep the record open so that ANC 1C could consider that application. But they did not. Commissioner Simpson suggested there would be value in bringing the District settlement agreement into line with other settlement agreements and that by protesting the renewal the Commission reserves standing before the ABC to resolve any concerns. Commissioner Simpson then moved to protest the renewal on grounds that it has an adverse effect on the peace, order, and quiet in the community. Commissioner Guthrie seconded the motion and offered a friendly amendment to add pedestrian safety traffic concerns. There was no opposition to the friendly amendment and the resolution as amended passed by a voice vote of 6 to 0 with one Commissioner abstaining (Commissioner Mossi had just arrived and did not want to vote without hearing the discussion).

#### **Resolution to Protest District Renewal**

Be it resolved that ANC1C protests the renewal of the District license (ABRA-092742) on the grounds that renewal of the license would have an adverse effect on peace, order, and quiet in the community, and would have an adverse effect on residential parking needs and pedestrian and vehicular safety.

### **iv. Adams Morgan moratorium on alcohol licenses**

Chair Simpson provided background on the Commission's consideration thus far of the Adams Morgan moratorium on alcohol licenses and the process of receiving public comments through meetings in September, October, and November, and by email. Chair Simpson reviewed the official deliberation at the full ANC 1C meeting in November and the votes to adopt two parts of a five-part resolution. He also noted that Commissioner Hart would be offering a motion to amend portions of the resolutions and asked that public comments be limited specific comments about language in the proposed resolutions.

**Part 1 amendments.** Commissioner Hart moved to adopt a revised Part 1 of the resolution adopted in November that substituted the word "multiple" for the word "numerous" in the second paragraph describing the establishments in Adams Morgan that have been operating as though they were nightclubs; and changed the description of the shared vision of the Adams Morgan community regarding the commercial district. Commissioner Simpson seconded the motion to adopt these changes.

Commissioners discussed the vision of Adams Morgan by those who live and work here versus those who visit on weekends. Certain friendly amendments were accepted without opposition to the wording of Commissioner Hart's revised Part 1 that was then adopted by a voice vote of 7 to 0.

#### ***Part 1 [Passed by a 7-0 vote]***

*Resolved, that ANC1C considers that Adams Morgan continues to suffer 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 during the late evening hours in the Adams Morgan Moratorium Zone" as set forth in the ABC Board's Final Rulemaking concerning the Adams Morgan Moratorium Zone on January 22, 2009.*

*Further resolved, that ANC1C considers these problems to arise principally from the fact that, although there are no nightclub licenses in Adams Morgan, multiple alcohol serving establishments in the Adams Morgan Moratorium Zone have been permitted to operate as though they were night clubs through entertainment endorsements, the failure to enforce food sales requirements, and the failure to enforce the District's noise ordinances and other applicable requirements of District law.*

*Further resolved, that ANC1C considers it to be the overwhelming shared vision of the Adams Morgan community, including residents and businesses, that the commercial district within the Adams Morgan Moratorium Zone should not be a "club zone", or an "entertainment district", but should instead be a district that integrates quality and diverse dining, complemented by moderate entertainment, with local retail, and that respects the residential character of the neighborhood.*

**Part 2 [Passed in November by a 6-0 vote; 1 Commissioner abstaining]**

*Further resolved, that ANC1C supports continuing a prohibition on the issuance of any night club licenses within the Adams Morgan Moratorium Zone.*

*Further resolved, that ANC1C supports continuing a prohibition on the issuance of any new tavern licenses within the Adams Morgan Moratorium Zone, or the conversion of any other licenses into tavern licenses within the Adams Morgan Moratorium Zone, at any time that the number of tavern licenses within the Adams Morgan Moratorium Zone equals or exceeds 10.*

**Part 3 amendments.** Commissioner Simpson moved to adopt a revised Part 3 in which all but three of the conditions listed in Part 3 as presented in November had been moved to a new Part 6 and that made minor changes in the wording of the third paragraph. Commissioner Rock seconded the motion.

Commissioner Hart moved to amend Part 3 by striking the condition that would limit hours of operation. Commissioner Simpson seconded the motion. Commissioner Hart suggested that the goal of lifting the moratorium to attract new entrepreneurs to area would be defeated if the new licenses were encumbered by this condition. He argued that limiting hours of operation would deter new businesses from coming to the neighborhood. Commissioner Hart's motion to strike condition 1 addressing hours of operation passed by a roll call vote of 5 to 2 with Commissioners Reynolds, Mossi, Simpson, Hart and Davis voting aye; and Commissioners Rock and Guthrie voting no.

Commissioner Hart then moved to strike the words "acoustic, instrumental music" in the condition addressing entertainment endorsements. Commissioner Simpson seconded the motion. Commissioners discussed the wording and whether operators would keep playing music as long as food is offered. The vote on the motion to strike the words "acoustic, instrumental music" passed by a roll call vote of 4 to 3 with Commissioners Rock, Guthrie, Hart, and Davis voting aye; and Commissioners Reynolds, Mossi, and Simpson voting no.

Commissioner Hart then moved to strike the word "dancing" from the condition addressing entertainment endorsements. Commissioner Davis seconded the motion. Commissioners discussed enforcement methods such as requiring that no space be provided for dancing or that a "no dancing" sign be posted. Commissioner Simpson said he thought a dancing ban would deter an establishment from transitioning from a restaurant to a night club and that under the law, dancing is prohibited unless an establishment has an entertainment endorsement. The motion to strike the word dancing from the entertainment condition failed by a roll call vote of 2 to 5 with Commissioners Hart and Davis voting aye, and Commissioners Reynolds, Rock, Mossi, Simpson, and Guthrie voting no.

Part 3 of the resolution as amended was adopted by a roll call vote of 6 to 1 with Commissioners Reynolds, Rock, Mossi, Simpson, Hart, and Davis voting aye and Commissioner Guthrie voting no.

**Part 3 [Passed by a 6-1 vote]**

*Further resolved, that ANC1C acknowledges a sincere difference of opinion among well intentioned and committed members of the community with respect to the treatment of restaurant licenses within the Adams Morgan Moratorium Zone. On the one hand, some residents feel that the adverse conditions that persist in Adams Morgan can only be improved if the current prohibition on the issuance of new restaurant licenses within the Adams Morgan Moratorium Zone is extended along with the limitations on night club licenses and tavern licenses. On the other hand, some residents feel that the adverse conditions that persist in Adams Morgan can be improved by allowing additional restaurant licenses to foster competition among existing establishments and raise the level of quality within the commercial district.*

*Further resolved, that having considered these two perspectives, ANC1C is convinced that allowing additional restaurant licenses within the Adams Morgan Moratorium Zone can foster competition among existing establishments, raise the level of quality, and positively impact the adverse conditions that persist in Adams Morgan. However, ANC1C believes strongly that this approach can only work if establishments operating under restaurant licenses are required to operate as bona fide restaurants (in which the quality of the menu is the primary factor driving the success of the business), and are not allowed to devolve into de facto night clubs (in which alcohol consumption is the primary factor keeping the business alive).*

*Further resolved, that ANC1C supports ending the prohibition on the issuance of new restaurants licenses within the Adams Morgan Moratorium Zone, subject to the following conditions:*

- 1) That no additional entertainment endorsements be granted within the Adams Morgan Moratorium Zone of the kind that characterize night club activity, specifically cover charges, live music other than as an accompaniment to dining, DJs, and dancing.*
- 2) That promoters and bar crawls be prohibited.*

*ANC1C is cognizant that some of these conditions may not be eligible for inclusion within the moratorium order that the ABC Board will issue. To the extent that they are not eligible for inclusion, ANC1C requests that the ABC Board impose them license by license for the duration of the moratorium period.*

**Part 4** (of the original resolution). Commissioner Simpson moved to adopt Part 4 of the resolution which would have reserved for ANC 1C the right to petition for a continuation of the current moratorium if the ABC Board was unable or unwilling to impose the conditions in the resolution. Commissioner Hart seconded the motion. Commissioner Guthrie offered an amendment to change the wording so that the full moratorium would be put in place by default if the conditions in the resolution were not accepted by the ABC Board. Commissioner Rock seconded the motion. After discussion of what fallback position was desired, Commissioner Simpson made a substitute motion to simply omit part 4. Commissioner Davis seconded the motion. The motion to strike part 4 of the original resolution was adopted by a roll call vote of 4 to 3 with Commissioners Mossi, Simpson, Hart, and Davis voting aye and Commissioners Reynolds, Rock, and Guthrie voting no.

**New Part 4** (previously Part 5 of the original resolution). Commissioner Simpson moved to adopt Part 5 of the original resolution, which was renumbered to become Part 4, addressing the time period for the moratorium and the grounds for petitioning the ABC Board to request a moratorium. Commissioner Mossi seconded the motion. Commissioner Davis moved to amend the time period of the moratorium from five years to three years. Commissioner Hart seconded the motion. The roll call vote on the motion to shorten the time period failed on a roll call vote of 2 to 5 with Commissioners Hart and Davis voting aye; and Commissioners Reynolds, Rock, Mossi, Simpson, and Guthrie voting no.

Commissioner Guthrie offered a friendly amendment to insert the word "tavern" before license. With no opposition the amendment was adopted.

The roll call vote on adopting the new Part 4 as amended was unanimous; with all commissioners voting aye.

**Part 4 [Passed by a 7-0 vote]**

*Further resolved, that ANC1C seeks to have these limitations apply for a period of 5 years, subject to review and further comment by the community at the mid point of that 5 year period.*

*Further resolved, that ANC1C will prepare and submit a petition to the ABC Board consistent with the foregoing resolutions on the basis that the limitations identified in them are necessary due to (i) overconcentration of tavern licenses and licenses that are operating as de facto night clubs within the moratorium zone, (ii) adverse effects on peace, order, and quiet, and (iii) adverse effects on residential parking needs and vehicular and pedestrian safety.*

**New Part 5** (previously Part 6 of the original resolution). Commissioner Simpson moved to adopt Part 6 of the original resolution, which was re-numbered to become Part 5. Commissioner Mossi seconded the motion. Commissioner Simpson explained the conditions included in this part are an attempt at developing criteria for distinguishing good operators of establishments and that it is a list of what the ANC 1C will work to accomplish going forward. Commissioner Rock announced that he would abstain from discussion and voting on all of part 6.

Commissioner Hart suggested adding that ANC 1C would petition ABRA to stagger license renewal periods within license classes, which was accepted as a friendly amendment without opposition.

Commissioner Reynolds moved to strike condition 8 regarding petitioning the ABC Board to cancel licenses that have been in safekeeping for more than two years. Commissioner Hart seconded the motion. Commissioners discussed the nature of licenses versus property rights. Commissioner Reynolds asked for a clarification that the conditions in this part of the resolution would not be part of the moratorium order. Commissioner Reynolds then withdrew his motion.

Commissioner Guthrie commented that these conditions let the community know that the Commissioners are looking at this as more than just a moratorium issue. He suggested adding an item to petition the ABC Board to update the food-per-seat requirements, as required by law. This was accepted as friendly amendment without opposition.

Commissioner Hart offered a friendly amendment to add police and DCRA to condition 4 addressing enforcement of the District's noise ordinances and other applicable laws. There was no opposition to accepting this as a friendly amendment, so it was adopted.

Commissioner Reynolds suggested including ABRA to condition 1 regarding working with others to develop criteria for what constitutes a "good operator" versus a "bad operator" and striking two years from condition 8 addressing licenses that are in safekeeping. There was no opposition and both changes were adopted as friendly amendments.

Commissioner Hart moved to strike condition 5 that addressed vetting the business plans of proposed new restaurants. This was accepted as a friendly amendment and item number 5 was removed.

The final roll call vote on part 5 as amended was 6 to 0 with 1 abstaining. Commissioners Reynolds, Mossi, Simpson, Guthrie, Hart, and Davis all voted aye and Commissioner Rock abstained from voting.

**Part 5 [Passed by a 6-0 vote, 1 Commissioner abstaining]**

*Finally resolved, that in 2014, ANC1C's ABC and Public Safety Committee will endeavor to:*

- 1) *Work with ABRA, the Adams Morgan Business Improvement District, and with Adams Morgan residents associations to develop criteria for what constitutes a "good operator" vs. a "bad operator" so that establishments can be assessed going forward.*
- 2) *Prepare a letter to landlords in Adams Morgan letting them know ANC1C's views about Adams Morgan's commercial corridor (as reflected in these Moratorium resolutions) and requesting that the landlords respect the community's desires for bona fide restaurants and not de facto nightclubs when identifying commercial tenants.*
- 3) *Petition ABRA, the Office of the Attorney General, and the ABC Board to enforce the conditions of licensure of the existing alcohol serving establishments in Adams Morgan, perform regular audits of questionable food sales reporting, and utilize the sanctions provided in 23 DCMR 2101.5 (a) and (b), namely revoking the entertainment endorsements and reducing the operating hours of establishments that fail to satisfy their food sales requirements.*
- 4) *Petition the Police, DCRA, ABRA, the Office of the Attorney General, and the ABC Board to enforce the District's noise ordinances and the other applicable requirements of District law.*
- 5) *Petition ABRA to require new operators to read the terms of any settlement agreements to which their license is subject and to certify that they have done so.*
- 6) *Petition the ABC Board to agree to hold a hearing within 180 days of any new operator beginning operations if ANC1C requests it due to concerns that the new operator has begun operating as a de facto night club rather than as a bona fide restaurant.*
- 7) *Petition the ABC Board to act aggressively to cancel any restaurant licenses within the Adams Morgan Moratorium Zone that have languished in safekeeping.*
- 8) *Make recommendations for potential legislative improvements to the ABC laws.*
- 9) *Petition ABRA to stagger license renewal periods within license classes.*
- 10) *Petition the ABC Board to update the food-per-seat requirements, as required by law.*

## **VII. New Business**

### **a. ABC and Public Safety Committee**

#### **i. Extended hours of alcohol service on New Years Eve**

Chair Simpson moved that ANC 1C relax the settlement agreements with establishments regarding hours of operation and entertainment on New Years Eve. Commissioner Guthrie seconded the motion that was adopted by a voice vote of 7 to 0.

#### **Resolution Relaxing Provisions of Adams Morgan Settlement Agreements to Allow Participation by On-Premise Establishments for New Year's Eve 2013**

Resolved that Advisory Neighborhood Commission 1C has decided to relax provisions in its ABC Settlement Agreements with all on-premise license holders within the boundaries of ANC 1C to provide that the licensees may apply to ABRA through the Extended Hours program, and operate until 4 am, only for the night of December 31, 2013, into January 1st, 2014;

Resolved that ANC1C has no objection to any on-premise licensee, whether there is a Settlement Agreement or not, applying and participating in the program, only for the night of December 31, 2013 into January 1, 2014;

Resolved that the hours and provisions governing entertainment under an Entertainment Endorsement in ANC1C's Settlement Agreements also be relaxed and extended until 4 am, only for the night of December 31, 2013, into January 1, 2014;

Resolved that Adams Morgan licensees without an Entertainment Endorsement may seek one-day substantial changes to allow them to offer entertainment until 4 am only for the night of December 31, 2013 into January 1, 2014;

Resolved that no 24 hour overnight operation be permitted.

**VIII. Adjournment**

Commissioner Guthrie moved to adjourn at 10:30 pm. Commissioner Mossi seconded the motion which passed by a 7 to 0 voice vote.