

**FINAL**

**ADVISORY NEIGHBORHOOD COMMISSION 2F  
REGULAR MONTHLY MEETING  
WEDNESDAY, APRIL 2, 2003, 7:00PM  
THE WASHINGTON PLAZA HOTEL**

**IN ATTENDANCE:** Helen Kramer, Chair  
Jim Brandon, Vice Chair  
Cary Silverman, Secretary  
Bob Hinterlong, Treasurer  
Thomas Funk  
Miriam Trimble

Community Forum

Edward Sayre of Thomas House asked about the steel plates issue in 14<sup>th</sup> Street. He still has not received any update and asked that this issue receive a high priority. Michael Romanello (1234 Massachusetts Avenue) asked for more attention to be paid to the area south of Massachusetts Avenue. Prostitution is bad around the clock and he said that the police sometimes act as though they "are in cahoots with the pimps" and that all they do is sit in the police cars and talk to each other. He asked that the ANC speak to the police about this matter.

Jackie Reed said that Hamburger Mary's is asking for substantial changes to their voluntary agreement, including later hours, outdoor seating, and live music. There is a noise issue in the building she owns next door where four tenants live. Glenn Mlaker said he said discussed this with Jim Brandon, Bob Hinterlong and Cary Silverman, as well as the Rhode Island West Neighborhood Association. He said that the request is the first step, and the hearing is June 4, 2003. Kramer asked that this discussion take place at the next ANC meeting where it would be on the agenda. Silverman thanked Mlaker for contacting him in advance so that they could discuss the issue in depth.

David Stephens (929 R Street) asked that the ANC again request no trucks be permitted on R Street. There is a ban in place, but it is not enforced. The street has now been totally re-paved and this would be a good time to enforce the truck ban.

Romanello stated that someone might ask if the Treasurer's report was at the end of the hearing because the commissioners don't want the public to hear about how the budget is spent. Stephens said that most people wanted to hear substantive information and that it belonged at the end. Silverman said that all of the information in the Treasurer's Report will be on the website in the approved minutes. Hinterlong said that the expenditures were always approved at a public meeting, and that most people approved of the agenda order of the meetings.

Following a short break, Kramer reconvened the meeting.

#### Approval of Agenda

Brandon moved approval of the agenda. Funk seconded.

**Vote:** Approved 5-0.

#### Approval of March Minutes

Hinterlong moved approval of the minutes. Silverman seconded.

**Vote:** Approved 5-0.

#### Report of ABC Committee

Kramer called on Tim Hillard, Chair of the ANC's Alcoholic Beverage Licensing Task Force, to make the presentation of the ABC report and began by thanking the committee members for all their hard work. Hillard said that at the beginning there were many different and divergent views, but that the thirteen recommendations that are being presented were unanimous. Hillard explained that Class A licensees are liquor stores, Class B are convenience stores and grocery stores that sell wine and beer, but not hard liquor. The recommendation of the committee calls for a moratorium on Class B licenses, unless they bring a much-needed service to an underserved area. They also seek an ANC-wide ban on single sales. Kramer said that there is already a moratorium on new Class B licenses and that she had been unable to find a mechanism to support the ban of single sales in the ABC code. Hillard said that the current ABC board has said that such a ban could only be applied ANC-wide, not just on an individual license holder.

There are four recommendations for Class CR licensees, which are restaurants. The committee recommended that each CR licensee be asked to enter into a voluntary agreement that will address issues such as parking arrangements, noise control, and safety concerns. CR licensees requesting live music would be required to meet two conditions: (1) that the license holder's primary business will be that of a restaurant and not a club, and (2) that the license holder takes all the steps necessary to ensure that the sound produced is not audible within adjacent or nearby residences.

In regard to Class CT licensees (bar/taverns), the committee urged the ANC to note that questionnaire respondents did not support large bars and meeting places and that the ANC should remember that when considering these types of licenses.

There is one CN (nightclub) license holder in ANC 2F, and that is south of Massachusetts, and that is where they belong in this area. Nightclubs are closed during the day and operate during the night.

The final recommendation of the committee is that the ANC aggressively support construction of underground paid parking available for public use.

Brandon said that he thought we should wait a month before discussing the recommendations so that more people can review it. He stated that he wants his attorney to review it before he votes on it. Brandon moved that we delay voting on the recommendations for one month. Failing a second, the motion failed. Kramer asked that we discuss the recommendations one by one. Romanello agreed with most of the recommendations, but thought that Kramer was trying to ramrod them through. Bob Young (1329 R Street) viewed this report as input, not a referendum, and thought that the more input received by the ANC, the better to craft this policy. He said that we need to end up with a good, comprehensive policy that reflects the views of the greater community. David Stephens thanked the ANC for this extensive outreach program to discuss these issues. He said that where the public stands is very clear and is reflected in these recommendations. He stated that the relationships between ABC license holders and the community have never been better, and that is borne out by the fact that several license holders are in the audience tonight.

The following is a discussion of each individual recommendation. The full report of the committee as well as its ABC Licensing Guidelines is accessible on the ANC website ([www.anc2f.org](http://www.anc2f.org)).

**Recommendation #1: ANC 2F should not support license applications for any additional Class A licensee. The ANC should support an application for a Class B license only if the licensee offers to bring other needed services to residents, such as food, and another Class A or Class B licensee is not already located in close proximity to the applicant's establishment.**

Kramer asked that it be amended to take into account that because of the Class B license moratorium, only transferred licenses can be discussed and not new licenses. Following some discussion, the Commission voted.

**VOTE:** Approved 6-0.

**Recommendation #2: ANC 2F should seek an ANC-wide ban on the sale of single beverages for off-premises consumption.**

There was discussion of an outright ban, or banning specific brands of singles. Silverman stated that the majority of the committee was in favor of an outright ban and he feels that this is fairer than limiting it to certain

brands. Reed said that some licensees sell micro-brews and that this would affect sales. MG of Barrel House gave an overview of microbrews and high alcohol content drinks, and the difference. George Galt said that there should be an outright ban, or no ban at all, because you are making choices that could be attacked as discriminatory. Mansour El Sayed (5 Logan Circle) said the vote should be delayed, and that singles should be banned based on size. Janice Holland (R Street) asked if limiting single sales eliminates public drunkenness. Reed asked how this ban would affect those who have voluntary agreements not to sell certain singles. Kramer said it would only affect licensees as their licenses came up for renewal. Tim Hillard stated that Councilmember Adrian Fenty obtained a study done with Howard University on the causes, health issues and effects of street alcoholics. The findings were that malt liquor and fortified wines were the biggest cause of alcohol problems and public drunkenness.

**VOTE:** Approved 6-0.

**Recommendation #3: ANC 2F should offer continued support for CR license applications, including those offering sidewalk dining. Voluntary agreements should be negotiated to help mitigate issues of concern to residents.**

Barrett Atwood (Kingman Place) asked if voluntary agreements would be sought for all restaurant licensees. Silverman said that if agreement is reached, there is no reason to protest the license. Bonn Macy (Q Street) pointed out that voluntary agreements are only as good as the enforcement.

**VOTE:** Approved 6-0.

**Recommendation #4: Voluntary agreements should require CR licensees with occupancy of over 125 persons to offer off-street parking either through arrangements with private lots or valet service, unless the applicant demonstrates that such a requirement is unfeasible. Valet service should include off-street parking arrangements.**

Heather Brophy (DDOT) said that there are no regulations on valet parking except with ABC license holders who have stipulated valet parking in their voluntary agreements. Kramer said that a copy of the regulations should be attached to the voluntary agreement. Mlaker said that it's foolish for a restaurant that wants to succeed not to offer off-street parking for their customers who need it.

**VOTE:** 6-0.

**Recommendation #5: CR licensees seeking entertainment components should be evaluated on a case-by-case basis but in its evaluation the ANC should be satisfied that the following conditions are met:**

- **That the licensee’s primary business is, and will remain that of a restaurant; and**
- **That the licensee has taken all steps necessary to ensure that sound produced by the establishment is not audible within adjacent or nearby residences, as required by 25 D.C. Code Ann. § 725, and does not interfere with the reasonable enjoyment of outdoor areas such as decks, patios, etc. of those residences.**

Mlaker asked for a definition of entertainment, and what the ANC wanted to regulate as entertainment. Hillard said that it is expected that the ABC will adopt entertainment endorsements on licenses, and that this is meant to reflect that adoption. Mlaker asked for a definition of “audible.” Kramer read the definition in the ABC regs. Ed Bailey asked if the noise would only be applicable to adjacent residents, and not adjacent businesses. The wording was changed to read “premise” not “residence.” Brandon asked about the ANC’s noise meter. Jackie Reed said that she had possession of it.

**VOTE:** Approved 6-0, as modified.

**Recommendation #6: The ANC should adopt guidelines, including a standard Voluntary Agreement, for licensees incorporating the recommendations made above as well as standards regarding trash, litter, vermin control, security, and hours of operation.**

Mlaker asked if the voluntary agreements would all be standard, since businesses are different. Silverman and Brandon said they would be “personalized” for each business, but each licensee would have a voluntary agreement.

**VOTE:** Approved 6-0.

**Recommendation #7: Class CT applications should be evaluated on a case-by-case basis and supported if the applicant’s proposed business plan is compatible with community desires.**

Hillard said that this takes into effect the respondents’ desire for small gathering places and not wanting large “meat market” type bars.

**VOTE:** Approved 6-0.

**Recommendation #8: The same parking requirements applicable to CR licensees should be applied to CT applicants.**

No discussion.

**VOTE:** Approved 6-0.

**Recommendation #9: Recommendation 6 with regard to adoption of guidelines and a standard Voluntary Agreement is equally applicable to CT licensees.**

This is the same as recommendation #6, but it applies to CT licenses. It was decided to strike this item, as it is adequately addressed in recommendation #6.

**Recommendation #10: The ANC should not support CN license applications within its residential boundaries.**

There was discussion of the geographic boundaries. It was amended to read "beginning at the south side of Massachusetts Avenue." Funk stated that he read the survey report in its entirety and that it was a very small number of persons who wanted live music and dancing, and that those could easily be located in the non-residential areas of the ANC. Trimble brought up a comment on page 9 of the full report where it was stated that the Green Lantern nightclub does not cause any problems in the neighborhood. This is not true, according to Trimble. She asked that that paragraph be struck.

**VOTE:** Approved 5-1, with modification to the report as proposed by Trimble.

**Recommendation #11: The ANC should request that applicants submit a proposed business plan to the Commission.**

No discussion.

**VOTE:** Approved 6-0.

**Recommendation #12: The ANC should seek a clarification, and if necessary, a change to current zoning so that eating and drinking establishments on any particular block do not exceed 25% of retail frontage space on Fourteenth Street.**

No discussion.

**VOTE:** Approved 6-0.

**Recommendation #13: The ANC should aggressively support construction of underground paid parking that is available for public use.**

No discussion.

**VOTE:** Approved 6-0.

Silverman moved that the Commission adopt the full report of committee as well as the ABC Licensing Guidelines. Hinterlong seconded.

**VOTE:** Approved 6-0.

Liquor License Issues

11<sup>th</sup> & O Street Market, 1337 11 Street NW—Hinterlong said that 150 neighbors had signed petitions opposing the transfer of this liquor license from the O Street Market to 11<sup>th</sup> & O Streets, NW. At the initial hearing, the signature proxies were presented along with the other protestants: LCCA, the Metropolitan Police Department, and Logan Court Condominium Association. The hearing has been continued until April 30<sup>th</sup>.

Hinterlong moved that the ANC send a letter expressing opposition to the transfer and supporting the protest as it adversely impacts Peace and Quiet as well as the over concentration of liquor licenses nearby. Trimble seconded.

**VOTE:** Approved 6-0.

At 10:25, Trimble left the meeting.

CDC Report

Kramer gave a report on the CDC meeting.

The Marriott Residence Hotel, 1199 Vermont Avenue, had requested a Lay By for customers checking in. The CDC recommended approval, but there was some question as to whom the letter should be directed. Dawn Denty and Mark Ross of Bowa Builders were present to say that the letter they requested from the ANC should be directed to Dan Tangherlini at DDOT with a copy to the public space manager.

The CDC also recommended approval of the Metropolis Development Corporation building at 1467 P Street NW (Duron Paint Store site), and a basement entryway at 1111 M Street.

Kramer moved that the CDC report be accepted. Brandon seconded.

**VOTE:** Approved 5-0.

## Transportation Infrastructure Improvement List – DDOT

Each Commissioner presented Chair Kramer with a list of transportation improvement priorities for their SMD. Kramer said she would compile this list and submit it to the Director of DDOT, Dan Tangerlini, at a meeting the following week.

## Treasurer's Report

Hinterlong moved that the following items be approved:  
(Items to be added)

Silverman added the cost for website expenses, which will be reimbursed at the May meeting. Funk seconded the motion to approve.

**Vote:** Approved 5-0.

Hinterlong gave an overview of the annual budget. Following a brief discussion, Silverman moved approval of the budget. Funk seconded.

**Vote:** Approved 5-0.

There being no further business, the meeting was adjourned at 11:00 p.m.