



ADVISORY NEIGHBORHOOD COMMISSION 1B

Government of the District of Columbia

Minutes

**Thursday, February 3, 2011,
7:00 PM, Reeves Center, 2000 14th Street N.W.**

The regular monthly meeting of Advisory Neighborhood Commission 1B occurred on Thursday, February 3, 2011, at 7:00 pm in the Reeves Center, Commissioner Juan Lopez, 1B07, Chairperson, presiding. Commissioner Myla Moss, 1B01, was present as Secretary. Other Commissioners present during the meeting: Aaron Spencer, 1B02, Sedrick Muhammad, 1B03, Mary Streett, 1B05, Charles Meisch, 1B06, Ahnna Smith, 1B08, Tony Norman, 1B10. Commissioners absent: Deborah Thomas, 1B04, Lauren McKenzie, 1B09, E. Gail Anderson Holness, 1B11.

Chairperson Lopez made the following announcement:

- ✓ We ask that you put your cell phones on “vibrate” or turn them off.
- ✓ This meeting is audio-recorded for the public record and the draft minutes of the meeting, which will be published on our website as soon as possible.
- ✓ ANC 1B considers community input a priority and provides time at the beginning of each public meeting for constituents and “other affected persons” to express their views and concerns, ask questions, or make complaints. Each person is limited to three minutes to provide a fair opportunity for all to speak and still allow the Commission to conduct its necessary business. We ask that each speaker state for the public record her/his name, address and what organization s/he is representing, if any.
- ✓ We welcome and encourage public comment at appropriate points in the meeting. Normally we will ask for public comment on issues on the agenda before the Commission votes to take action.
- ✓ We ask that all those making presentations, asking questions, or making comments speak loudly and clearly for the benefit of our recording device. Please state your name, residence address, and what organization you represent. If you are representing yourself as a resident, rather than an organization, please say so.
- ✓ For the accuracy of our public records, we ask that all those making presentations, asking questions, or making comments complete the very brief speaker information form located on the sign in table at the back of the room. Please give the completed form to our Staff Director, Jim Irwin, either before or after you speak to the Commission. The purpose of this form is to assure correct spelling of your name in the minutes, accurate address and accurate statement of representation.

Thank you for your attendance, participation and cooperation.

Chairperson Lopez noted the presence of a quorum and called the meeting to order at 7:10 PM.

Community Events and Announcements

Ms. Sandra Butler-Truesdale, representing the D.C. Arts District, asked the Commission to put their application to the District Department of Application to hang pole banners for the maximum period of 180 days on the March 3 meeting agenda.

Ms. Brianne Nadeau announced that she had a petition to put Brianne Weaver on the ballot for the special election for the vacant At-Large Council seat. She announced that the election will be held on April 25. Petitions are due February 15. She invited those present who were registered D.C. voters and interested in supporting Mr. Weaver to sign the petition.

Ms. Kara Hadge, a student at Georgetown University, announced that she was doing research for her master's thesis on community life and local media in Columbia Heights and how the two impact each other. She was conducting a survey and asked those attending who were interested to take the survey.

Mr. Jeff Zeeman, representing the North Columbia Heights Civic Association, announced that NCHCA was organizing a Great Day of Service for Saturday, April 2. Any community service organization can have an information table about their activities. Interested persons will be able to participate in specific service projects during the day. NCHCA will provide a brochure of information on community organizations, what they do and how to contact them. Interested persons can contact Mr. Zeeman at jeff.zeeman@northcolumbiaheights.org. Information will be available at www.northcolumbiaheights.org or on Facebook at www.facebook.com/northcolumbiaheights.

Mr. Ibrahim Mumin, representing the Edna Frazier-Cromwell Scholarship Fund, said they were celebrating their 25th anniversary on February 19th. The celebration includes a presentation on 1,001 Black Inventions by Pin Points Theatre. The event will begin at 3 PM at the Bell Multicultural School, 16th and Irving Streets, N.W. For more information, contact Mr. Mumin at 202-387-5169 or icmumin@aol.com.

Commissioner Muhammad announced that his single-member district meeting will be held on Wednesday, March 2, beginning at 7:00 PM at the Christopher Price House, 1301 Belmont Street N.W. The guest speaker will be Mr. William Howland, Director of the D.C. Department of Public Works. This meeting is held in conjunction with MPD PSA 304.

Commissioner Meisch announced that he reported a construction site at 1443 Chapin Street N.W., which was not secured and was unsafe, to the Department of Consumer and Regulatory Affairs. They have cited the developer for violations and have given him 30 days to clean up and secure the site. He wanted residents of ANC 1B06 to be aware of the situation and that a resolution of the problem is underway.

Commissioner Moss announced that the site at 9th and U Streets NW owned by the Washington Metropolitan Area Transit Authority has been for sale. The highest bidder for the site was JBG. The development will likely be mixed-use. JBG has also purchased the Atlantic Plumbing building, later owned by Broadway Management. She announced that Four Points LLC addressed her single-member district regarding the development of Progression Place at 7th and S Streets N.W. and the beginning of actual construction.

Commissioner Smith announced that 1225 Fairmont Street N.W., a small apartment building, has been sold to the Neighborhood Development Corporation. This building has been vacant for five years, so the neighborhood is looking forward to significant improvement to that building. She also announced that speed bumps are being installed on Girard Street N.W. between 11th and 13th Streets.

Community Comments and Concerns

There were no community comments, complaints or questions.

Election of Committee Chairs

Public Safety Committee

Commissioner Norman nominated Commissioner Muhammad for Chairperson of the Public Safety Committee.

There were no other nominations and Commissioner Muhammad was elected unanimously by acclamation

Design Review Committee

Commissioner Smith nominated Commissioner Norman for Chairperson of the Design Review Committee.

There were no other nominations and Commissioner Norman was elected unanimously by acclamation.

ABC Committee

Commissioner Muhammad nominated Commissioner Spencer for Chairperson of the Design Review Committee.

There were no other nominations and Commissioner Spencer was elected unanimously by acclamation.

Grants Committee

Commissioner Moss nominated Commissioner E. Gail Anderson Holness.

Ms. Brianne Nadeau nominated Ms. Halima Roebuck.

There were no further nominations.

Ms. Roebuck made a brief statement and responded to questions from Commissioners.

Commissioner Anderson Holness was necessarily absent, so Commissioner Moss made a brief statement regarding her service to the Commission and her qualifications to serve as committee chair.

By a roll call vote of 6 to 2, Ms. Roebuck was elected Chair of the Grants Committee. The roll call vote was:

Anderson Holness

Moss
Norman

Roebuck

Spencer
Muhammad
Streett
Meisch
Lopez
Smith

Commissioner Smith moved that the Commission set a deadline for joining committees, determine meeting schedules and establish Roberts Rules of Order as the governing authority for committee meetings.

Commissioner Norman seconded the motion.

Following extended discussion, Commissioner Smith withdrew her motion.

Chairperson Lopez moved that committee chairs recruit members of their committees from February 4 through April 1 and that committee membership be closed as of April 2, 2011.

Commissioner Meisch seconded the motion.

Commissioner Muhammad offered a friendly amendment that all commissioners help to recruit committee members from the community.

Chairperson Lopez accepted the friendly amendment and restated his motion: that committee chairs and all commissioners recruit members of committees from February 4th through April 1st, and that committee membership be closed as of April 2, 2011.

Commissioner Meish seconded the motion.

Commissioner Streett asked for a roll call vote.

The motion was adopted 4 yes, 2 no, 2 abstain. The roll call vote was:

<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Spencer	Moss	Meisch
Muhammad	Streett	Lopez
Smith		
Norman		

Officers Reports

Approval of January 6, 2011 minutes

Commissioner Moss submitted the minutes of the January 6, 2011 commission meeting for approval. There were no corrections or additions.

Commissioner Moss moved that the minutes be approved.

Commissioner Streett seconded the motion.

The motion was adopted unanimously, 8 yes, 0 no.

Treasurer’s Report

Commissioner Streett presented the Treasurer’s Report:

Overview

The Industrial Bank checking account balance as of January 31, 2011 was \$59,775.61 according to the bank website.

The following checks were approved at the January 6, 2011 meeting:

Name	Check #	Amount	Purpose
ANC Security Fund	1802	\$25.00	2011 participation fee
VOID	1803	VOID	VOID
Capital Services & Supplies	1804	552.11	Office supplies
James H. Irwin	1805	\$1,292.80	Staff wages- January

The following checks were cashed last month:

Date Cashed	Name	Check #	Amount	Purpose	Meeting Approval Date
1/10/2011	James Irwin	1805	\$1,292.80	Staff wages	Budget approved 10/7/2010
1/14/2011	Capital Services & Supplies	1804	\$552.11	Office supplies	1/6/2011
1/26/2011	ANC	1802	\$25.00	2011	1/6/2011

	Security Fund			participation fee	
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Expenses to be approved

Name	Amount	Purpose
James Irwin	\$1,292.80	Staff wages-net pay
James Irwin	\$35.97	Web hosting fee reimbursement

Commissioner Streett moved that the expenses listed be approved.

Commissioner Smith seconded the motion.

The motion was adopted unanimously, 8 yes, 0 no.

Commissioner Streett moved that the Treasurer’s Report be approved.

Commissioner Smith seconded the motion.

The motion was adopted unanimously, 8 yes, 0 no.

Commissioner Streett submitted the FY 2010 fourth quarter report for approval.

Commissioner Streett moved that the FY 2010 Fourth Quarter report be approved.

Commissioner Moss seconded the motion.

The motion was adopted unanimously, 8 yes, 0 no.

Public Safety and Public Safety Committee Report

Commissioner Muhammad submitted the Public Safety Committee report:

**ADVISORY NEIGHBORHOOD COMMISSION 1B
PUBLIC SAFETY COMMITTEE
Commissioner Sedrick Muhammad, Chairperson
Report, February 3, 2011**

Commissioners,

Below is a public safety report summary by DCFEMS from January 6 through February 3, followed by MPD's PSA 304 & 305 30 Day Crime Stat report, respectively.

Jan.9

1. DCFEM reported smoke in 2301 11th St NW (Garfield Terrace). There was a fire in trash chute. The bulk of fire was knocked down, with no injuries.

2. DCFEMS reported a fire in 1439 Girard St NW, it's a 3 story row house. The fire was in the basement

Jan 11

1. DCFEMS reported a suspicious package in 2400 4th St NW. MPD was investigating.

Jan 17

1. DCFEMS reported a house fire in 1923 2nd St NW. It's a 2 story row house with heavy fire on the 1st and 2nd floor.

PSA 304

Crime Type	1/3/2010 to 2/2/2010	01/3/2011 to 02/2/2011	% Change
Homicide	0	0 [view map]	N/A
Sex Abuse	1	0 [view map]	↓ 100
Robbery Excluding Gun	3	2 [view map]	↓ 33
Robbery With Gun	2	3 [view map]	↑ 50
Assault Dangerous Weapon (ADW) Excluding Gun	3	2 [view map]	↓ 33
Assault Dangerous Weapon (ADW) Gun	1	1 [view map]	No Change
Total Violent Crime	10	8 [view map]	↓ 20
Burglary	6	5 [view map]	↓ 17
Theft	7	2 [view map]	↓ 71
Theft F/Auto	17	10 [view map]	↓ 41
Stolen Auto	3	6 [view map]	↑ 100
Arson	0	0 [view map]	N/A
Total Property Crime	33	23 [view map]	↓ 30
			↓ 28
Total Crime	43	31 [view map]	

PSA 305

Crime Type	1/3/2010 to 2/2/2010	01/3/2011 to 02/2/2011	% Change
Homicide	0	0 [view map]	N/A
Sex Abuse	0	0 [view map]	N/A
Robbery Excluding Gun	5	7 [view map]	↑ 40
Robbery With Gun	3	2 [view map]	↓ 33
Assault Dangerous Weapon (ADW)	2	4 [view map]	↑ 100

Excluding Gun			
Assault Dangerous Weapon (ADW) Gun	0	0 [view map]	N/A
Total Violent Crime	10	13 [view map]	▲ 30
Burglary	7	4 [view map]	▼ 43
Theft	20	15 [view map]	▼ 25
Theft F/Auto	10	17 [view map]	▲ 70
Stolen Auto	10	4 [view map]	▼ 60
Arson	1	0 [view map]	▼ 100
Total Property Crime	48	40 [view map]	▼ 17
Total Crime	58	53 [view map]	▼ 9

Commissioner Moss added that the U.S. Attorney's office now has a representative attending the PSA 305 monthly meetings.

Design Review Applications and Design Review Committee Report

Commissioner Norman presented the report of the Design Review Committee:

DESIGN REVIEW COMMITTEE **Tony Norman, Chairperson**

Report and Recommendations **February 3, 2011**

The Design Review Committee met at the Thurgood Marshall Center, 1816 12th Street N.W., on Tuesday, January 18, 2010. The meeting was called to order by Chairperson Tony Norman at 6:38 PM. Committee members present were: Tom Dawes, Eric Fidler, Brad Grant, Patrick Nelson, Scott Pomeroy, Sylvia Robinson

Others present were: Commissioner Myla Moss 1B01, Commissioner Ahnna Smith 1B08, Commissioner Mary Streett, 1B05, Mr. Sas Gharai, SEA Architects, Mr. Earle Horton, Blue Sky 8th Street LLC, Mr. Andre Banks, project architect, Ms. Bertha Dudley, resident, Ms. Heather Ferris, resident, Mr. David Corson, resident.

SUMMARY

The Committee reviewed two projects:

1. 1421 Florida Avenue N.W., Mr. Sas Gharai, application to the Board of Zoning Adjustment for variances to allow the construction of a new apartments building not in conformance with height limitation, floor area ratio, maximum lot occupancy and minimum side yard setback.

2, Blue Sky Housing 8th Street LLC, Parcel 39, corner of 8th and T Streets N.W proposed five unit condominium development.

RECOMMENDATION

1421 Florida Avenue N.W.

Mr. Scott Pomeroy moved that the Committee recommend that ANC 1B support Mr. Sas Gharai's application to the Board of Zoning Adjustment for variances to permit the construction of a new apartment building at 1421 Florida Avenue N.W.

Mr. Tom Dawes seconded the motion.

The motion was adopted unanimously, 5 yes, 0 no.

Blue Sky Housing 8th Street, LLC

The committee heard a presentation from Mr. Earl Horton and Mr. Andre Banks regarding their plans. No action was taken.

REPORT ON RECOMMENDATIONS

1421 Florida Avenue N.W.

The committee's discussion with Mr. Gharai elicited the following points:

- This lot, located on Florida Avenue N.W., just west of 14th Street, N.W., is currently vacant and is an overgrown hill.
- The Historic Preservation Review Board has reviewed and approved the project.
- The structure will be brick; the ground floor will include a lobby and eight parking spaces.
- Mr. Gharai is asking ANC 1B for support for his application for variance relief which will permit the construction of a six-story building with 16 condominium units.
- The height limit is 50 feet. The variance, if granted, will permit the construction of a 61-foot tall building.
- The building will include an affordable housing component of 1,000 square feet, 10% of the gross 10,000 square feet of floor area ratio.
- The height variance is necessary to permit the inclusion of affordable housing.
- The affordable housing could be one 1,000 square foot unit or two smaller units.
- The price for the affordable housing unit(s) has not yet been determined.
- In response to a question from Commissioner Moss, Mr. Gharai said that the economics of the project did not seem to permit any more affordable housing, but that he would revisit the allocation of affordable housing to

see if it could be increased. He noted the complexity of the affordable housing requirements and said he would have to consult with his real estate agent, who was much better informed about it.

- Mr. Gharai has met with the neighbors and with the Meridian Hill Neighborhood Association. The neighbors support the project and are happy to see this vacant lot developed. Mr. Gharai was not sure whether MHNA had taken formal action to express support. Commissioner Streett said she would find out and communicate with the committee what MHNA had done.
- Mr. Gharai presented the project to former Commissioner Brianne Nadeau and current Commissioner Mary Streett before submitting it to HPRB for review and approval. He did not submit the project to the full ANC 1B
- The current plan does not include green space. However, in response to a question from Mr. Pomeroy, Mr. Gharai said that a green roof could be provided and would be an important amenity for both the residents and the neighbors.
- Mr. Gharai agreed to report back to the committee regarding the provision for affordable housing and what adjustments he might be able to make.

Blue Sky Housing 8th Street, LLC

The committee heard a presentation from Mr. Earl Horton and Mr. Andre Banks regarding their plans. The main points of the presentation were:

- The design is very preliminary.
- Parcel 39 was acquired by D.C. with financing from the U.S. Department of Housing and Urban Development as part of a redevelopment program following the 1968 riots. The property has an affordable housing requirement.
- Blue Sky proposes to construct five condominium units, four of which will be priced as affordable housing. The fifth unit, located on the upper floor, will be market rate.
- Four of the units will be two-bedroom, two-bath with office/studio. Two units will be on the first floor, two on the second floor. The market rate unit will occupy the third floor and will be three bedrooms, two baths.
- The two-bedroom units are approximately 1,350 square feet each. The market-rate unit will be 2,700 square feet.
- There will be four parking spaces, in addition to street parking.
- The exterior will be faced with brick.
- The developer is currently awaiting City Council approval of the transfer of the land to them. They have already had the public hearings related to the disposition of the land.
- Residents expressed concern that they had not been given an opportunity to discuss the development. Mr. Horton pointed out that the public hearings so far were focused on transferring the land, and that

there would be further public meetings and discussions as the design was developed.

- The project will be submitted to the Historic Preservation Review Board for review and the developer will be coming back to ANC 1B for support for their HPRB review.
- Residents and committee members expressed concern about the confusion and ambiguity relating to the presence of a public alley in Parcel 39 and the elimination of parking for residents. The possibility of returning some of the public alley to residents as their private property is being explored.
- HPRB review will probably come in March or April. The Design Review Committee and the full Commission will review this project again at that time.

1421 Florida Avenue N.W., Mr. Sasan Gharai, application to BZA for area variance

Commissioner Norman summarized the committee's review and recommendation regarding 1421 Florida Avenue N.W.

Commissioner Streett observed that the developer, Mr. Sas Gharai, had met with the Meridian Hill Neighborhood Association and neighbors, and that the project had general support in the community.

Commissioner Streett moved that ANC 1B accept the recommendation of the Design Review Committee that the Commission support Mr. Sas Gharai's application to the Board of Zoning Adjustment for variances to permit the construction of a new apartment building at 1421 Florida Avenue N.W.

The motion was seconded by Commissioner Muhammad.

The motion was adopted unanimously, 8 yes, 0 no.

Blue Sky Housing 8th Street, LLC--Parcel 39 corner of 8th & T Streets NW. -- Proposed condominium development – update on plans

Commissioner Norman reviewed the presentation of Blue Sky Housing 8th Street LLC to the committee and the committee's discussion. He noted that no action was currently required of the Commission, and that the developer would be coming back to the Committee and the Commission for formal votes on historic preservation and other issues.

Commissioner Norman referred to the request of the DC Arts District to be on the Commission's March meeting agenda, presented earlier in the meeting by Ms. Sandra Butler-Truesdale. He noted that the Commission had tabled this matter at the December 2010 meeting and asked the DC Arts District to go back to the Design Review Committee to work out the issues which had arisen. However, the DC Arts District had not yet come to the Committee and he recommended that they do so before the Commission considers their request.

Liquor Licenses and ABC Committee Report

Commissioner Spencer presented the report of the ABC Committee:

ANC 1B ABC COMMITTEE Report January 2011

Committee Chair: Commissioner Aaron Spencer
Committee Members Present: TBD

Establishment Name	Pure Nightclub and Lounge
Location	1326 – U Street N.W
Request and Additional Information	– application to terminate voluntary agreement
Was a Voluntary Agreement Negotiated? (Y/N or NA (Not Applicable))	ANC 1B is not a party to this VA, but has standing
Top Two Arguments to Approve	<ol style="list-style-type: none"> 1) The Establishment wants to terminate its VA in order to stay open later on special occasions (e.g. Inauguration, etc.) 2) According to the Establishment, the majority of similar establishments on the U St. Corridor have this option in their ABRA licenses
Top Two Arguments to Disapprove	<ol style="list-style-type: none"> 1) This establishment has had a number of disturbances in the recent past. Commissioner Aaron Spencer has witnessed two altercations between police and patrons in the previous three months. 2) Other business owners have mentioned noise and loitering issues outside the club after closing hours, which is located in the middle of the block
Motion	<i>Motion to contest the termination of this VA before ABRA</i>
Committee Vote	1 yea 0 nay
Committee Recommendation:	Committee recommends Commission 1B contest the request to terminate

Establishment Name	Bar Pilar
Location	1833 14 th Street N.W. –
Request and Additional Information	application for substantial change in license – <i>Expansion of premises to include 2nd Floor for 46 additional seats</i>
Was a Voluntary Agreement Negotiated? (Y/N or Not Applicable)	Not Applicable
Top Two Arguments to Approve	<ol style="list-style-type: none"> 1) Bar Pilar (same company as St. Ex) signed a lease across the street for an art gallery. They are moving the artist currently upstairs across the street, and will be expanding and doubling its kitchen 2) Bar Pilar has had very few issues with noise and trash. They share a compactor and cardboard collection with other businesses on the street, and continue to work with the neighborhood
Top Two Arguments to Disapprove	1) It was brought to Commissioner Spencer's attention that this expansion could put the block over the 50% rule for Arts Overlay. Bar Pilar explained this rule is for a horizontal expansion, and this would be a vertical expansion. Commissioner Spencer is in touch with Zoning and Planning
Motion	To recommend Letter of Support
Committee Vote	1 yea 0 nay
Committee Recommendation:	Committee recommends Commission 1B support substantial change in license

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Establishment Name	The Codmother and
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	Touchdown
Location	1334-A U Street N.W. 1334-B U Street N.W
Request and Additional Information	<p>– applications for new Class C Tavern license--letter of support and <i>Stipulated License</i></p> <p><i>New tavern and lounge serving fish, chips and seafood cuisine. No entertainment. Seating capacity 50. Total occupancy load 50. Hours of operation: Sunday through Thursday 6 AM-2 AM, Saturday-Sunday 6 am-3 am. Hours of sales, service and consumption of alcoholic beverages: Sunday 10 am-2 am, Monday through Thursday 8 am-2 am, Friday & Saturday 8 am- 3 am</i></p> <p><i>New sports bar and lounge with DJ: playing recorded music. No dancing and no nude performances. Seating capacity is 67. Total occupancy load is 67.</i></p> <p>Commissioner Spencer requested additional information and justification for Stipulated License. The information was provided by lawyer Michael Fonseca.</p> <p>As you requested the following will explain the stipulated license request procedure and a brief background on the owners and their U Street businesses.</p> <p>The request for a stipulated license is for Touchdown only and the business is nearly ready to open if a license will issue early (the cause of our urgent plea for your assistance). Codmother will not be ready to open until after the noticed hearing date. Touchdown replaces the space formerly operated as Momo's a sports bar also. Touchdown will operate as a sports bar with full coverage of all sporting events on monitors throughout the premises. Thus, the concept is not foreign to this location or to U Street with Nellies at 9th and U.</p>

	<p>New ABC license applications are publicly noticed and the application can not be acted upon by the ABC Board until after the notice period and absent a protest. There is an exception that permits earlier issuance of the license. ABC regulation (23 DCMR 200) allows earlier issuance of a “stipulated” license before the hearing date with written correspondence from the ANC where the premises are located indicating the ANC voted with a quorum present not to object (or to affirmatively support) the issuance of a stipulated license. The regulation’s stipulation requires that the applicant must stop serving alcohol if a valid protest is filed during the 45 day protest period. Thus, all rights are reserved to the ANC and the public without a permanent license in effect until the roll call date passes without a bona fide protest lodged against the application (i.e., filed by the petition date and by qualified objectors).</p> <p>The three principals of the Touchdown and Codmother are Omer Buyukbayrak, Jamal Sahri and Melih Buyukbayrak. All have long time ties to the U Street corridor and the U Street community. The businesses include Utopia at 1418 U Street, Tabaq at 1336 U Street and Bistro La Bonne (formerly Axis) at 1340 U Street (18 years, 6 years and 2-3 years, respectively).</p> <p>You asked for information on trash collection. Trash and recyclables will be collected 7 days a week. Weekday collections will occur after 8 am and weekend collections in the afternoon.</p>
Was a Voluntary Agreement Negotiated? (Y/N or Not Applicable)	No
Top Two Arguments to Approve	1) The new establishments are replacing similar establishments on U St.,

	<p>neighbors haven't raised issues</p> <p>2) Apart from a long history on U St. (Tabaq and Utopia), the Principals are committed to responding to neighbors, prompt trash collection, and supporting the community</p>
Top Two Arguments to Disapprove Motion	None
Committee Vote	1 yea 0 nay
Committee Recommendation:	Committee recommends Commission 1B support stipulated license for Touchdown and Letter of Support for the Codmother

Establishment Name	Ghion Restaurant and Lounge
Location	2010 9 th Street N.W.
Request and Additional Information	<p>Application for new Class C Restaurant license</p> <p><i>Cuisine consists of American, Ethiopian and Italian dishes. Music will consist of traditionally soft Ethiopian and Jazz music. No other goods or services will be provided. Seating capacity is 20. Total occupancy load is 20. Hours of operation: Sunday-Thursday 10 am-3 pm & Friday-Saturday 10 am-3 am. Hours of sales, service & consumption of alcoholic beverages: Sunday-Thursday 10 am-2 am & Friday-Saturday 10 am-3 am</i></p>
Was a Voluntary Agreement Negotiated? (Y/N or Not Applicable)	Yes, in R4 Zoning with residences close by.
Top Two Arguments to Approve	<p>1) This block of 9th St. is in desperate need of repair and growth. The owner of the restaurant owns many of the buildings on this block of 9th, and has been doing business on this block for 10 years</p> <p>2) Owner Agrees to negotiated voluntary agreement</p>
Top Two Arguments to Disapprove	1) This rowhouse is located in residential

	<p>R4 zoning, and is abutted on all sides by residential R4 zoning.</p> <p>2) The landlocked position of this lot will require delivery and waste servicing to occur through the front of the building, and is an issue that was raised by the Westminster Neighborhood Association</p> <p>**Commissioner Spencer is checking with the Office of Zoning and Office of Planning to determine why this use has been allowed. There are a number of other establishments on this block as well, so he is not sure this is founded. He will report back to the Commission at Thursday's meeting</p>
Motion	To recommend Commission 1B support the License with a stipulated voluntary agreement
Committee Vote	Yea 1 Nay 0
Committee Recommendation:	Recommends Letter of Support for Class C License

Pure Nightclub and Lounge, 1326 U Street N.W. – application to terminate voluntary agreement

Mr. Michael Walker, Manager of Pure Lounge, said that they were requesting a change in their voluntary agreement to add one hour for the holiday season, so that they can stay open one hour later. Their current hours are Monday-Thursday, 6 PM to 2 AM, Friday and Saturday, 6 PM to 3 AM.

Commissioner Spencer noted that ANC 1B is not a party to the voluntary agreement, but does have standing. The parties to the voluntary agreement are several residents.

Commissioner Spencer noted that there have been some incidents and complaints from both residents and other business owners regarding the establishment.

Chairperson Lopez noted that the notice of public hearing from ABRA specifies that Pure is applying for the termination of its voluntary agreement, not an amendment of hours.

Mr. Walker said they did not want to terminate their voluntary agreement.

Chairperson Lopez observed that termination was what ABRA announced they would be considering and that was what the Commission would be voting on.

Commissioner Spencer moved that ANC 1B protest the application of Pure to terminate its voluntary agreement on the basis of peace, order, quiet and parking, and that ANC 1B designate Commissioner Aaron Spencer to represent it in any proceedings regarding this matter.

Commissioner Meisch seconded the motion.

The motion was adopted unanimously, 8 yes, 0 no.

H2 LLC Voluntary Agreement, 2047 9th Street N.W.

Commissioner Spencer said that the ABC Committee had not received or reviewed this voluntary agreement and he could not make a recommendation regarding it.

Commissioner Norman moved that this matter be tabled and the voluntary agreement be referred to the ABC Committee for a recommendation.

Commissioner Meisch seconded the motion.

Commissioner Moss asked if there was a representative of H2 LLC present.

Mr. Sheldon Scott, representing H2 LLC, which does business as Satellite Pizza and will be located at 2047 9th Street N.W., said that the business is contiguous to the 930 Club. The voluntary agreement was negotiated with Commissioner Anderson Holness. They plan to sell pizza and extend a food and beverage service. It is a collaborative effort with the 930 Club. The proposed setup is 60 seats inside and 30 seats outside. Mr. Scott said that negotiations on the agreement began in December, 2010. There is not yet a license application or a hearing scheduled.

Commissioner Moss noted for the record that the voluntary agreement had been sent to all commissioners in advance for review. Commissioner Spencer noted that December and January had been a transition period, and that committee processes were not yet established.

Commissioner Moss noted for the record that Mr. Scott is a newly elected Advisory Neighborhood Commissioner, that as a proprietor of businesses within ANC 1B, he has worked with several voluntary agreements, and that he is proactive in negotiating voluntary agreements.

The motion was adopted 7 yes, 1 no. Commissioner Moss voted no.

Bar Pilar, 1833 14th Street N.W. – application for substantial change in license

Mr. John Snellgrove, representing Bar Pilar, said that they were applying for a change in license to expand their operations to the second floor of their building and add 46 seats. Their current voluntary agreement will apply to the second floor.

Commissioner Spencer moved that ANC 1B support the application of Bar Pilar for a substantial change in its license.

Commissioner Muhammad seconded the motion.

The motion was adopted unanimously, 8 yes, 0 no.

The Codmother, 1334-A U Street N.W. – application for new Class C Tavern license

Touchdown, 1334-B U Street N.W. – application for new Class C Tavern license

Mr. Michael Fonseca, legal counsel for the applicants, said that the owners were taking over locations in the same building where Café Nemo and Momo's used to be located. Touchdown will be a sports bar. The Codmother will be a fish & chips restaurant with a substantial menu. They are taking over existing liquor licenses. They are separately requesting a stipulated license for Touchdown so that it can begin operation within two weeks and avoid the financial losses incurred by waiting for the granting of the permanent license. If the stipulated license is not granted, Touchdown will lose six to eight weeks of business. He noted that the new owners are established U Street business owners operating establishments that have been in business for some time.

Commissioner Spencer moved that ANC 1B support Touchdown's application for a stipulated Class C Tavern license and that the Commission designate Commissioner Aaron Spencer to represent it in any proceedings regarding this matter.

Commissioner Muhammad seconded the motion.

Commissioner Moss offered a friendly amendment that ANC 1B negotiate a voluntary agreement with both Touchdown and Codmother.

Commissioner Spencer said that he did not want to negotiate a voluntary agreement in order to avoid delay in getting the stipulated license. He declined to accept the friendly amendment.

The motion was adopted unanimously, 8 yes, 0 no.

Commissioner Spencer moved that ANC 1B support Codmother's application for a stipulated Class C Tavern license and that the Commission designate Commissioner Aaron Spencer to represent it in any proceedings regarding this matter.

Commissioner Muhammad seconded the motion.

The motion was adopted unanimously, 8 yes, 0 no.

Commissioner Moss moved that ANC 1B ask to establish a voluntary agreement between it and Touchdown and Codmother.

Commissioner Norman seconded the motion.

Commissioner Moss said that ANC 1B had voluntary agreements with many businesses and, to be consistent, voluntary agreements should also be established with these new establishments.

Commissioner Spencer said that he wanted the ABC Committee to conduct a thorough review of voluntary agreements. They are extremely important and should be effective, so they should be carefully studied.

Commissioner Meisch said that he did not think a motion regarding a voluntary agreement was germane when the commission had already voted to support the two license applications, since the commission did not have standing to protest and negotiate such agreements.

The motion was not adopted on a roll call vote, 2 yes, 3 no, 3 abstain. The roll call vote was:

<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Moss Norman	Spencer Meisch Lopez	Muhammad Streett Smith

Ghion Restaurant and Lounge, 2010 9th Street N.W. – application for new Class C Restaurant license

Mr. Fikre Medhin, owner of Ghion Restaurant, said that this would be a new, neighborhood-friendly restaurant, located across the street from the 930 Club. He said that, contrary to some concerns, trash will be removed from the business through the back, not out the front.

Commissioner Spencer moved that ANC 1B support the application of Ghion Restaurant and Lounge for a new Class C Restaurant license and that the commission designate Commissioner Aaron Spencer to represent it in any proceedings on this matter.

Commissioner Muhammad seconded the motion.

The motion was adopted unanimously, 8 yes, 0 no.

Grant Applications and Grant Committee Report

Chairperson Lopez noted that the Commission had placed a freeze on grant applications at the January meeting. There had been no Grants Committee meeting and there was no report. The Committee will report at the March 3 meeting.

New Business

The Commission heard a presentation by Mr. Steven Cassels, Four Points LLC and Mr. Eric___, Davis Construction. They provided an update on the construction of Progression Place (United Negro College Fund) at 7th and S Streets N.W.

There being no further business, the meeting was adjourned at 9:40 PM.