



PLEASE REGISTER FOR THE MEETING AT ANC1B.ORG

SPECIAL GUEST - 6:30-7:00 PM

- Honorable Councilmember Brianne Nadeau, Ward 1

OFFICIAL SESSION – 7:00PM

**CALL OFFICIAL MEETING TO ORDER*

Roll Call

COMMISSIONERS	PRESENT	COMMISSIONER	PRESENT
Handerhan		Ewart	
Orlaskey		Behna	
Umar		Turner	
Thomas		Farnan	
Kensek		Harris	
Floy			

Approval of Agenda

CONSENT AGENDA:

- October Draft Meeting Minutes

REPORTS AND ACTION ITEMS:

FINANCIAL REPORTS

ADVOCATE AND TASK FORCE

- STFH — The Terrell — Update — Commissioner Deborah Thomas, 1B04

PUBLIC SAFETY & COMMUNITY ENGAGEMENT

- Community outreach to local organizations, events for end of year, and Thanksgiving plans for feeding the neighborhood
- Crime report readout from 3D via their written report
- Next Meeting:** Thursday, November 17th at 7:00pm

ZONING, PRESERVATION, & DEVELOPMENT

- 2730 Georgia Ave NW (MU-4) – Howard University (1B-09) James Turner – BZA Case 20837 Hearing Date 12/21/22**
 - Applicant Request:** Special Exception matter of right uses of Subtitle U § 512 (pursuant to Subtitle U § 513.1 (E) and Subtitle X § 901.2), to allow for food delivery use in existing, detached, one-story commercial building in MU-4 zone. (Square 2885/Lot 113)
 - ZPD Committee Recommendation:** Recommend ANC support the applicants request for a special exception matter of right use to allow for food delivery use in existing, detached, one-story commercial building in MU-4 zone. It further requires the applicant adhere to the zoning requirements for the wall on the alley (be constructed at lot level), the exception be in place for period of 5 years, extended an additional term upon BZA approval and the fencing along the Girard Street side of lot covered with art wrap. (Square 2885/Lot 113) (vote – 5 years, 0 nays, 0 abstain)
- 2112 Georgia Ave NW (MU-10) – Lot 3, LLC and Howard University (1B-11) Amanda Farnan – BZA Case 20850 Hearing Date TBD**

- **Applicant Request:** Special Exception matter of right uses of Subtitle U § 517 (pursuant to Subtitle U § 518.1 (G) and Subtitle X § 901.2), to permit an experimental research and testing laboratory in a new, detached, six-story with below-grade parking and penthouse, office building in the MU-10 zone. (Square 2877/Lot 62,811,934,945,968,970,972,977,979,1023,1033)
- **ZPD Committee Recommendation:** Recommend ANC support the applicants request for a special exception matter of right use to permit an experimental research and testing laboratory in a new, detached, six-story with below-grade parking and penthouse, office building in the MU-10 zone. (Square 2877/Lot 62,811,934,945,968,970,972,977,979,1023,1033) (vote – 5 yeas, 0 nays, 0 abstain)
- **Next Meeting:** Monday, November 21st at 6:30pm (Registration on anc1b.org)

ECONOMIC DEVELOPMENT

- Main Streets – Clean Streets (Lower GA Ave, Shaw, 14 Street, and U Street)
- **Presentations from October Meeting:**
 - 1840 7th Street NW (across from Shaw/Howard Metro) - see minutes
 - Demolition of existing building imminent and construction to take approximately 24 months (Delivery late summer 2024)
 - Key features include 204 units of housing (including 14 IZ units and 20 additional affordable units), mostly studios and 1 bedrooms, 75 parking spots (estimated), and approximately 15,000 square feet of retail.
 - 2. 815 Florida Ave NW (HFA Headquarters site) - see minutes
 - DCHFA is negotiating with a development team for an affordable housing-focused development consistent with DCHFA mission. Also looking into an arts component. DCHFA has heard community request for daytime retail and 18-hour activity.
 - Completion is at least 36 months out.
 - DCHFA will return to the committee with additional information.
- **Updates since last meeting:**
- *Reeves:* No new updates. District working to relocate central functions at the site before development team is chosen.
- *Grimke:* Phase II development began in mid-July – focused on the former site of the African American Civil War Museum site.
- **Next Meeting:** Thursday, November 17th at 6:30pm (Registration on anc1b.org)

TRANSPORTATION

- **Resolution – 15th Street Sidewalk Expansion – (1B12) Sabel Harris**
 - **Transportation Committee Recommendation:** Recommend full ANC support of the resolution to recommend and support DDOT to redesign 15th Street NW to be more pedestrian and bicycle friendly.
- **Resolution – Transfer of ownership for Malcolm X Park – (1B05) Alan Kensek**
 - **Transportation Committee Recommendation:** Recommend full ANC support of the resolution to request NPS to transfer the Meridian Hill Park/Malcolm X Park land to the Washington, DC Department of Parks and Recreation, and to transfer maintenance of the park to the Department of Parks and Recreation.
- **Next Meeting:** Wednesday, November 9th at 7:00pm (Registration on anc1b.org)

ALCOHOL BEVERAGE REGULATION

- ABRA Director Moosally was the guest speaker last meeting
- **Tawle — 1328 Florida Ave NW — (1B04) Deborah Thomas — New Class C Tavern with Entertainment endorsement (Inside only) and Sidewalk café**
 - **ABR Committee Recommendation:** Recommend that the full ANC protest new Class C Tavern license application on peace, order, quiet and all applicable grounds including noise issues and hours of operation on the sidewalk café and indoors

- **Flash — 645 Florida Ave NW — (1B01) Larry Handerhan**
 - **ABR Committee Recommendation:** Recommend that the full ANC protest the renewal of Class C Tavern license based on peace, order, quiet, and all applicable grounds including hours of entertainment and operation
- **Bens Next Door — 1211 U ST NW — (1B12) Sabel Harris**
 - **ABR Committee Recommendation:** Recommend that the full ANC protest the renewal of Class C Tavern license based on peace, order, quiet, and all applicable grounds
- **Red Lounge — 2013 A 14TH ST NW — (1B12) Sabel Harris**
 - **ABR Committee Recommendation:** Recommend that the full ANC protest the renewal of Class C Tavern license based on peace, order, quiet, and all applicable grounds
- **Lost Society — 2001 14TH ST NW — (1B12) Sabel Harris**
 - **ABR Committee Recommendation:** Motion to recommend that the full ANC protest the renewal of Class C Tavern license based on peace, order, quiet, and all applicable grounds
- **Victory Restaurant and Lounge — 2005 14TH ST NW (1B12) Sabel Harris**
 - **ABR Committee Recommendation:** Recommend that the full ANC protest the renewal of Class C Tavern license based on peace, order, quiet, and all applicable grounds
- **Mama San/Harlot — 2001 11TH ST NW — (1B02) Dan Orlaskey**
 - **ABR Committee Recommendation:** Recommend that the full ANC protest the renewal of Class C Tavern license based on peace, order, quiet, and all applicable grounds
- **Cloud Restaurant and Lounge — 1919 9TH ST NW — (1B02) Dan Orlaskey**
 - **ABR Committee Recommendation:** Recommend that the full ANC protest the renewal of Class C Tavern license based on peace, order, quiet, and all applicable grounds including public safety/security plan and operating hours
- **The Dirty Goose — 913 U ST NW — (1B02) Dan Orlaskey**
 - **ABR Committee Recommendation:** Recommend that the full ANC protest the renewal of Class C Tavern license based on peace, order, quiet, and all applicable grounds including rooftop noise and operating hours
- **801 Restaurant and Bar — 801 FLORIDA AVE NW — (1B02) Dan Orlaskey**
 - **ABR Committee Recommendation:** Recommend that the full ANC protest the renewal of Class C Tavern license based on peace, order, quiet, and all applicable grounds including rooftop noise and operating hours
- **Empire Lounge — 1909 9TH ST NW — (1B02) Dan Orlaskey**
 - **ABR Committee Recommendation:** Recommend that the full ANC protest the renewal of Class C Tavern license based on peace, order, quiet, and all applicable grounds including operating hours, noise, public safety, security plan, and parking.
- **MK Lounge — 1930 9TH ST NW — (1B02) Dan Orlaskey**
 - **ABR Committee Recommendation:** Recommend that the full ANC protest the renewal of Class C Tavern license based on peace, order, quiet, and all applicable grounds including violations of Settlement agreement, trash/cleanliness, parking, noise
- **Broz Dynasty — 1905 9TH ST NW — (1B02) Dan Orlaskey**
 - **ABR Committee Recommendation:** Recommend that the full ANC protest the renewal of Class C Tavern license based on peace, order, quiet, and all applicable grounds including rooftop noise and operating hours
- **Secret Lounge — 1928 9th ST NW — (1B02) Dan Orlaskey**
 - **ABR Committee Recommendation:** Recommend that the full ANC protest the renewal of Class C Tavern license based on peace, order, quiet, and all applicable grounds including operating hours, crowding, noise, public safety, security plan, and parking.
- **Next Meeting:** Wednesday, November 16th at 7:00pm (Registration on anc1b.org)

ADMINISTRATIVE:

- Election Day
- Review Special Committee's report

EXECUTIVE, COUNCILMEMBER, COMMISSIONER & COMMUNITY ANNOUNCEMENTS:

- Office of the Mayor — Jerrod Allen
- Office of the Councilmember — Kevin Pham
- Commissioner announcements
- Community announcements

NEW BUSINESS

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PLEASE REGISTER FOR THE MEETING AT ANC1B.ORG

SPECIAL GUEST - 6:30-7:00 PM

- MPD
- The info session began with Jackie C. from Councilmember Nadeau’s office
- Jackie talked about Councilmember Nadeau’s recent legislation on the Office of Migrant Services
- Commissioner Farnan asked about budget items and DPR properties
- Jackie stated they can start to get in that information now for FY 24 budget
- Commissioner Behna asked about
- Jackie stated that the Councilmember’s office has restructured and moved into new roles
- Commissioner Handerhan thanked the office for joining for a walk around his SMD. He asked about budget for behavioral health and supports with DBH and those services
- Jackie stated there is a disconnect with those services and the crisis center
- A community member brought up how DPW cans are being removed.
- Commissioner Farnan stated that it seems to be a district-wide and that she would like to see Councilmember Nadeau send a request/letter to DPW to understand the process.
- Chair Turner stated that it’s often neighbors circulating letters/petition that get some trash cans removed
- Commissioner Behna discussed that sometimes DPW just removes a trash can carte blanche and wants to understand the data.

OFFICIAL SESSION – 7:00PM

**CALL OFFICIAL MEETING TO ORDER*

Roll Call

COMMISSIONERS	PRESENT	COMMISSIONER	PRESENT
Handerhan	x	Ewart	
Orlaskey	x	Behna	x
Umar	x	Turner	x
Thomas		Farnan	x
Kensek	x	Harris	x
Floy			

Approval of Agenda

Quorum 8 of 11

CONSENT AGENDA:

- September Draft Meeting Minutes

REPORTS AND ACTION ITEMS:

FINANCIAL REPORTS

ADVOCATE AND TASK FORCE

- STFH — The Terrell — Update — Commissioner Deborah Thomas, 1B04
- Ron Parker from The Terrell spoke about updates and drives during the holidays

PUBLIC SAFETY & COMMUNITY ENGAGEMENT

- Hoop for All update
- **Next Meeting:** TBD

ZONING, PRESERVATION, & DEVELOPMENT

- **304 T Street NW (RF-1) – Eric Teran (1B-01) Larry Handerhan – HPRB Case HPA 22-437 Hearing Date 10/27/22**
 - **Applicant Request:** Review concept and design for a rear roof deck addition, to an existing, attached, two-story with basement, principal dwelling in the RF-1 zone. (Square 3095/Lot 37)
 - **ZPD Committee Recommendation:** Recommend ANC send a letter to HPRB requesting that the case be postponed till the applicant can return to the committee prove that the damage done has been fixed, work order released, obtaining an underpinning permit, confirm abutting neighbors have been contacted and the project is stable to be able to move forward with additional work, for a rear roof deck addition, to an existing, attached, two-story with basement, principal dwelling in the RF-1 zone. (Square 3095/Lot 37) (vote – 6 yeas, 0 nays, 0 abstain)
 - **Commissioner Handerhan moved that the full ANC support a letter sent to HPRB requesting that the case be postponed till the applicant can return...** Commissioner Kensek seconded. Chair turner asked why a letter needs to be sent if the building is collapsed. Patrick Nelson stated that it's a pause and reset and asking HPRB to wait until the Department of Buildings to approve the safety issues are resolved through the proper channels. Chair turner added friendly amendment
 - **(8 yeas, 0 nays, 0 abstentions)**
- **Next Meeting:** Monday, October 17th at 6:30pm (Registration on anc1b.org)

ECONOMIC DEVELOPMENT

- Main Streets – Clean Streets (Lower GA Ave, Shaw, 14 Street, and U Street)
- Updates:
 - *Reeves:* No new updates. District working to relocate central functions at the site before development team is chosen.
 - *Grimke:* Phase II development began in mid-July – focused on the former site of the African American Civil War Museum site.
 - *HFA site:* The DC Housing Finance Agency is slated to join our October meeting.
- **Next Meeting:** Thursday, October 20th at 6:30pm (Registration on anc1b.org)

TRANSPORTATION

- **1250 U Street – Alley Closing Application – DDOT – (1B12) – Sabel Harris**
 - **Transportation Committee Recommendation:** Recommends full ANC support of the alley closing application as shown at the September 14 Transportation Committee Meeting
 - **Commissioner Harris moved that the full ANC support the reaffirmation of ANC support of the alley closing at 1250 U St.** Commissioner Farnan seconded. (7 yeas, 1 nay, 0 abstention)
- **Next Meeting:** Wednesday, October 12th at 7:00pm (Registration on anc1b.org)

ALCOHOL BEVERAGE REGULATION

- **915 U St and 917 U St — Kiki**
 - **ABR Committee Recommendation:** Recommends full ANC support for the agreed settlement agreement.
 - **Commissioner Behna moved.** Commissioner Farnan seconded. Commissioner Handerhan asked if it's the standard template. Commissioner Behna Confirmed. (8 yeas, 0 nays, 0 abstentions)
- **District Sports Bar — 900 Florida Avenue, N.W. — 1B02 — Dan Orlaskey — New License Class C Tavern**
 - **ABR Committee Recommendation:** Recommends that the full ANC protest on grounds of peace, order, quiet and all other applicable grounds. (7 yeas, 0 nays, 0 abstentions)
 - **Commissioner Orlaskey moved that the full ANC protest on grounds of peace, order, and quiet, and all applicable grounds.** Commissioner Farnan seconded. Community commented that the previous owners were leaving grease in the alley and very disruptive starting entertainment at 5pm-4am. Commissioner Farnan seconded. (8 yeas, 0 nays, 0 abstentions)

- **DC9 — 1940 9TH ST NW — 1B02 — Dan Orlaskey — Renewal**
 - **ABR Committee Recommendation:** Recommends that the full ANC protest on grounds of peace, order, quiet and all other applicable grounds. (7 yeas, 0 nays, 0 abstentions)
- **Nellies — 900 U ST NW — 1B02 — Dan Orlaskey — Renewal**
 - **ABR Committee Recommendation:** Committee recommends that the full ANC protest on grounds of peace, order, quiet and all other applicable grounds. (7 yeas, 0 nays, 0 abstentions)
 - **Commissioner Orlaskey moved that the full ANC protest on the grounds of peace, order, and quiet.** Commissioner Farnan seconded. Commissioner Kensek noted Nellies long history of issues. A community member asked what a settlement agreement is and Commissioner Behna discussed that the ANC is has a legally binding agreement between the ANC, community, and the establishment. Another community member asked what can be done for community members to surface concerns and feedback that may get an establishment closed. Commissioner Behna stated that ABRA rarely closes establishments. (8 yeas, 0 nays, 0 abstentions).
- **1942 DC — 1942 9th St NW — 1B02 — Dan Orlaskey — Renewal**
 - **ABR Committee Recommendation:** Recommends that the full ANC protest on grounds of peace, order, quiet and all other applicable grounds. (7 yeas, 0 nays, 0 abstentions)
 - Commissioner Orlaskey moved that the full ANC protest the renewal of 1942 DC on the grounds of peace, order, quiet and all applicable grounds. Commissioner Behna seconded. (8 yeas, 0 nays, 0 abstentions)
- **Cloak and Dagger — 1359 U St NW — 1B12 — Sabel Harris — Renewal**
 - **ABR Committee Recommendation:** Recommends that the full ANC protest on grounds of peace, order, quiet and all other applicable grounds. (7 yeas, 0 nays, 0 abstentions)
 - Commissioner Harris moved that the full ANC protest the renewal of Cloak and Dagger on the grounds of peace, order, quiet and all other applicable grounds. Commissioner Farnan seconded. (8 yeas, 0 nays, 0 abstentions)
- Next Meeting ABRA Director Moosally guest speaker
- **Next Meeting:** Wednesday, October 19th at 7:00pm (Registration on anc1b.org)

ADMINISTRATIVE:

- November Elections
- Chair Turner discussed redistricting.

EXECUTIVE, COUNCILMEMBER, COMMISSIONER & COMMUNITY ANNOUNCEMENTS:

- Office of the Mayor — Jerrod Allen
- Community member brought up an issue with a missing crosswalk.
- October 1st Department of Building, Department of...DLCP at either DOB
- Office of the Councilmember — Kevin Pham
- Commissioner announcements
- Community announcements

NEW BUSINESS

- Commissioner Behna moved the appointment of a Special Committee to review the allegations, present findings to Commissioner Kensek for a response and consolidate a report of findings, response, and recommendations to present at the ANC 1B November monthly meeting.

Allegations:

Commissioner Alan Kensek, 1B05, violated the ANC 1B Code of Conduct, DC Government Ethics Standards, and potentially campaign finance and elections rules.

- 1) Commissioner using an official position for priority access to establishments on U St and 14 St area.
- 2) Commissioner refusing to leave when ask or at closing to leave the premises given their Commissioner status.
- 3) Commissioner banned from local bars and taverns due to behavior.

- 3) Inflammatory and demeaning emails to other commissioners, continued after being asked to stop.
- 4) Disruptive behavior at meetings and appearing intoxicated, continued after being asked to stop.
- 5) Verbal and digital attacks on Commissioners, continued after being asked to stop.
- 6) Use of government assets for campaigning, continued after being asked to stop.

The OAG guidance for censure is to conduct an open process and allow adequate time for response to the findings. The Special Committee will review the allegations, present findings to Commissioner Kensek for a response, and consolidate a report of findings, response, and recommendations to present at the ANC 1B November monthly meeting.

- 1) Appoint a special committee to investigate.

Commissioner Orlaskey, Special Committee Chair

Commissioner Ewart

Commissioner Umar

Commissioner Handerhan

- 2) Document findings within the ANC's jurisdiction and refer to other findings to other agencies of jurisdiction including BEGA, OAG, and Campaign Finance.

- 3) Present findings to Commissioner and allow five calendar days for a response in writing.

- 4) Special Committee submits a final report of findings, the Commissioner's response, and a recommendation to the ANC for a vote.

- Commissioner Farnan seconded
(7 yeas, 1 nays, 0 abstentions)



ABR COMMITTEE

MINUTES- Wednesday, October 19, 2022 | 7pm via Zoom

1. Welcome, Roll Call and Introduction of Members

Committee Members	Present	Committee Members	Present
Cmsr. Eric Behna 1B08	X	Evan Schlom, Member 1B02	X
Cmsr. Sabel Harris 1B12	X	Frank Chauvin, Member 1B02	X
Cmsr. Dan Orlaskey 1B02	X	Patrick Nelson, Member 1B03	X
		Karen Gaal, Member 1B04	X
		Aileen Johnson, Member 1B12	X

2. Guest Speaker: ABRA Director Fred Moosally (*Link to view discussion with guest speaker*

https://us06web.zoom.us/rec/share/X7y90vLpDnu028W7UrxIsu340qq_jPO7U-mAxwLzMbr755wtKBtQQVtf7qulc6Wa.NHdde8zaRC2WdQVw (Passcode: cd+Pc0q?)

- Commissioner Behna introduced Director Moosally and asked a question related to joint enforcement when ABRA notices violations under other agency jurisdictions like fire code, DCRA, etc.
- Director Moosally noted that they will either do joint enforcement actions or refer to the agencies after the fact
- Commissioner Behna asked how an average citizen can follow up on a violation they report to ABRA because it's not easily trackable. Director Moosally advised citizens to contact ABRA Community Resource officer Sarah Fashbaugh at sarah.fashbaugh@dc.gov
- Frank Chauvin asked a question about license holder contact information on renewals. Director Moosally said that ABRA is working on adding that information to placards and stated that ABRA is working to overhaul it's whole data/website records system.
- Frank Chauvin asked about the ABRA inspector checklist and lack of consistency of items that are evaluated. Noted a specific example of a possibly illegally constructed summer garden.
- Patrick Nelson noted there is nothing in ABRA code that explicitly defines summer gardens and there is wide variation.
- Director Moosally noted that as far as ABRA is concerned Summer Garden is private outdoor space and Sidewalk Café is public outdoor space.
- Commissioner Behna noted that better coordination would be needed between ABRA and DCRA, in particular related to the Office of the Zoning administrator and the arts overlay percentages. Additionally, running into issues with bars requesting increase in capacity and ABRA just deflecting the issue to DCRA rather than evaluating crowding in the area
- Director Moosally noted that if DCRA determined occupancy is less than what is in a settlement agreement, ABRA will enforce that lower number. And conversely, if the settlement agreement capacity is lower than the DCRA determined capacity, ABRA will also enforce that lower number
- Commissioner Behna noted that it was a bigger issue when the establishment is specifically going up for a substantial change to increase capacity, and ABRA essentially just defers to the DCRA Cert of occupancy
- Patrick Nelson gave a specific example of an establishment with an outdated C of O

- Commissioner Orlaskey noted that the ANC has had challenges with settlement agreements and the ANC not being successful in protest hearings because the board is unwilling to consider impacts on a neighborhood scale. Establishments also have lawyers and always seem to win and will get out of settlement agreements. Not much leverage or resources for the ANC.
- Director Moosally noted that there is a contested case process and a moratorium is also a possibility, not necessarily recommending it.
- Evan Schlom noted that he has never seen an application denied or only granted in part if there is no protest. How does ABRA evaluate unprotested new licenses, renewals, substantial changes, etc.
- Director Moosally noted that settlement agreements are reviewed, have the owners been barred from holding a license, are there concerns about the location, is it near a school, is there a zoning issue, etc.
- Evan asked about what can be done to ensure violations can be enforced. Director Moosally noted that having clear settlement agreement was important. General provisions are harder to enforce. “No noise heard outside the establishment” versus “Establishment will take best efforts to minimize noise”. Director Moosally also referred to Kimberly Johnson in the OAG’s office
- Karen Gaal brought up a concern about establishments that have a huge list of ABRA violations and they can easily pay them and keep causing harm in the community. Is it possible to add stiffer fines or another tier of fines?
- Director Moosally noted that ABRA is always working with the council on fines. ABRA can shut places down and also do a \$30,000 fine plus 30 day shut down. He also noted that a serious act of violence can bring a penalty right away, doesn’t need to be a repeat offender. Chief of Police can also close an establishment for 48 hours.
- Commissioner Harris asked more about the overhaul of the public facing website and records search. Noted it’s very difficult to find settlement agreements and other records. Director Moosally noted again that ABRA was working on this. In November ABRA will also be adding every endorsement that the establishments have on the website.
- Commissioner Harris also asked about the World Cup emergency legislation. Director Moosally clarified that although hours of operation are extended, it does not override settlement agreements and does not impact entertainment hours. ABRA will also step up enforcement on establishments who apply for it.
- Frank Chauvin asked for the Director to follow up with 4 cases of over concentration. And asked if ABRA board members were available for public education/meetings. Director Moosally noted that as long as no more than 2 board members attend, it’s okay and ABRA will also have training sessions at the beginning of the year.
- Commissioner Kensek in the attendees asked a question about what the benefit of signing a settlement agreement would be. Commissioner Behna noted that the benefit is that the establishment is being a good neighbor and setting expectations. ABRA encourages settlement agreements to avoid future issues.

3. **New License Applications** (*Aim to begin by 7:45, no later than 8pm*)

- Tawle – 1328 Florida Ave NW – 1B04 | New Class C Tavern with Entertainment endorsement (Inside only) and Sidewalk café
 - Tawle was represented by Attorney Sidon Yohannes and manager George Sault
 - George Sault noted that this establishment is affiliated with Maydan across the alley and also Compass Rose.
 - George Sault noted that the concept is still being developed, but want to make it more of a community gathering type establishment that they don’t have capacity to do at their other restaurants

- Sidon Yohannes also noted that these are excellent operators without a history of any violation
- Commissioner Behna noted that he spoke with Commissioner Thomas who's SMD Tawle is located in. He noted that the only concern was the hours of the sidewalk café. Tawle is requesting 2 am and 3am but the other establishments on the block is 10pm and 11pm. Commissioner Behna noted that it was a quiet residential block and the alley backs up to houses and apartments.
- Frank Chauvin also underscored the need to balance hours near a residential block
- Karen Gaal noted that an alley may cause a tunnel effect to amplify the noise
- Sidon Yohannes noted that they would take that feedback back to the owners
- Commissioner Harris asked about what actions of noise mitigations that they would take to confine noise from entertainment endorsement inside.
- Sidon Yohannes noted that the establishment was a gym that played music and felt there was some noise mitigation already. Commissioner Harris noted that gym hours and bar hours are very different.
- George Sault also noted that they aren't trying to any sort of night club atmosphere. They want the entertainment endorsement for private events, light instruments. They did NOT apply for dancing or cover charge endorsements.
- Patrick Nelson asked if the alley was public or private. Sidon Yohannes noted it was public. Patrick Nelson reminded them that they needed to submit a DDOT public space permit. Patrick also noted that neighbors on this block have been sensitive to noise concerns in the past.
- Commissioner Harris made a motion to recommend that the full ANC protest Tawle's new license application on peace, order, quiet and all applicable grounds including noise issues and hours of operation on the sidewalk café and indoors
 - 8 yays, 0 nays, 0 abstentions

4. Renewals (Class C Tavern Licenses)

- 1B01
 - Flash - 645 FLORIDA AVE NW
 - Committee discussed concerns of many neighbors due to excessive noise and 24 hour entertainment hours. There were 30 neighbors who signed a petition.
 - Committee decided to protest
- 1B12
 - Bens Next Door- 1211 U ST NW
 - Commissioner Harris notes that they are good community partners but they have had many noise issues that haven't been resolved. Commissioner Behna noted complaints also came through the ANC feedback form.
 - Committee decided to protest
 - St. James- 2017 14TH ST NW
 - Commissioner Harris stated that no protest was needed, but she would work with them on their sidewalk café.
 - Red Lounge - 2013 A 14TH ST NW
 - Commissioner Harris noted that there have been a lot of issues with queuing and blocking the sidewalk as well as trash
 - Committee decided to protest
 - Lost Society - 2001 14TH ST NW
 - Commissioner Harris noted that there were noise issues and trash issues and that there was a settlement agreement in place but it may need to be updated
 - Committee decided to protest
 - Hawthorne - 1336 U ST NW

- Aileen Johson noted that they have a settlement agreement and are living up to all of the parameters
 - No need to protest
 - Amsterdam Lounge- 1208 U ST NW
 - Commissioner Harris noted there were concerns about “fumes”. Commissioner Behna noted there were no complaints via the feedback form. Commissioner Harris noted that they already have a settlement agreement.
 - Committee decided no to protest
 - Victory Restaurant and Lounge- 2005 14TH ST NW
 - Commissioner Harris noted issues with trash and sidewalk queuing. She had preferred a settlement agreement before in good faith and they did not come to the table.
 - Committee decided to protest.
- 1B02
 - Mama San/Harlot- 2001 11TH ST NW
 - Commissioner Orlaskey noted there were a lot of issues with noise and management hasn’t been responsive
 - Committee decided to protest
 - Cloud Restaurant and Lounge- 1919 9TH ST NW
 - Frank Chauvin noted that there was noise issues and also someone was killed in the bar
 - Committee decided to protest and specifically include hours of operation and security plan issues.
 - The Dirty Goose- 913 U ST NW
 - Commissioner Orlaskey noted that there was already a settlement agreement in place
 - Frank Chauvin stated that the noise and hours of the rooftop summer garden has caused noise issues to the neighbors nearby
 - Committee decided to protest specifically on noise and hours of operation of the summer garden
 - 801 Restaurant and Bar- 801 FLORIDA AVE NW
 - Commissioner Behna noted that complaints came through the ANC Feedback form related to noise on the roof
 - Committee decided to protest specifically on noise and hours of operation of the summer garden
 - Empire Lounge- 1909 9TH ST NW
 - Frank Chauvin noted there was a long list of violations and there were gunshots fired inside
 - Commissioner Behna noted we were still awaiting a decision from ABRA on the substantial change to increase their capacity
 - Committee decided to protest, specifically on operating hours, noise, public safety, security plan, parking
 - Unity- 1936 9TH ST NW
 - Some noise issues but not public safety issues. Commissioner Behna noted there is a recent settlement agreement in place already with a group of 8 from 2021.
 - Committee decided not to protest
 - MK Lounge- 1930 9TH ST NW
 - Evan Schlom noted that MK routinely violates it’s settlement agreement
 - Committee decided to protest specifically based on Violation of Settlement agreement, trash/cleanliness, parking, noise
 - 1914 by Kolben- 1914 9th ST NW
 - Frank and Sabel noted this was a positive addition to the neighborhood

- Eric and Patrick noted that there had been an issue with a proposed rooftop deck but it was never approved
 - Committee decided not to protest
- Broz Dynasty- 1905 9TH ST NW
 - Frank Chauvin noted this license was bought from Cortez and he was concerned about the rooftop. There was a settlement agreement from many years ago with past operator
 - Committee decided to protest specifically with hours of operation on rooftop
- Secret Lounge- 1928 9th ST NW
 - Evan Schlom noted that despite the issues, they will not settle and it will go to a hearing with Attorney Richard Bianco
 - Committee decided to protest on all applicable grounds
- Commissioner Behna made a motion to protest the license renewals of Flash, Ben's Next Door, Red Lounge, Lost Society, Victory Lounge, Mama San/Harlot, Cloud restaurant and lounge (public safety/security plan, operating hours, Dirty Goose (operating hours and noise of summer garden), 801 (Operating hours and noise of summer garden), Empire Lounge (Operating hours, noise, public safety, security plan, parking), MK Lounge (Violation of Settlement agreement, trash/cleanliness, parking, noise), Broz Dynasty (Operating hours on roof deck), and Secret Lounge
 - Seconded by Dan Orlaskey
 - 8 yays, 0 nays, 0 abstentions

5. Overview of Current Protests/Settlement Agreements Under Negotiation

- 1B02-VIP Lounge, 1942DC, Empire Lounge, Nellies, District Sports Bar, DC 9 -Commissioner Orlaskey
 - No updates. A decision for the Empire Lounge protest has not been given by ABRA.
 - Owner of DC 9 in attendees asked why DC9 was protested. Committee members noted that there is an effort to get all establishments on the same page and that the committee felt DC9 has been a responsible operator.
- Cloak and Dagger- Commissioner Harris
 - No updates

6. Other Business

- The committee discussed the potential meeting with the 9th street business owners via the Mayor's office on nightlife
 - Commissioner Orlaskey noted that he wanted it to be a public meeting and we may be required to based on regulations
 - Karen Gaal suggested that the business owners just join one of our meetings
 - Frank Chauvin also stated that he wants it to be a public meeting
- Frank Chauvin wanted to write a letter about testimony not being included in a certain ABRA order. Commissioner Behna offered to sign his name to it if Frank wrote it.

7. Meeting Adjournment

The ABR Committee meets every third (3) Wednesday of the month online, virtually, through Zoom. Contact Committee at: 1b08@anc.dc.gov On the web at: ANC1B.org



ECONOMIC DEVELOPMENT COMMITTEE MINUTES

Thursday, October 20, 2022, 6:30pm

Minutes

1. **Welcome**
2. **Roll Call and Introduction of Members**

Committee Members	Present
Larry Handerhan, 1B01	X
Tania Shand, 1B02	X
Krishna Kumar, 1B02	X
Patrick Nelson, 1B03	X
Karen Gaal, 1B04	X
Tony Norman, 1B10	X
Santiago Lakatos, 1B11	X
André Denegri, 1B12	

3. **Update on 1840 7th Street NW (property across from Shaw-Howard Metro)**

- Presentation from development team, which included Troy Balkema from Quadrangle Development Corporation and Billy Eckhardt along with property owner Howard University reps Joe Leonard a Derrek Niec-Williams
- Demolition of existing building to start next week and construction to take approximately 24 months (Delivery late summer 2024)
- Key features:
 - Will be 204 units including 14 IZ units, 20 additional affordable units on top of IZ
 - Approximately 70-75% studio and 1 bedroom, rest is 1BR/Den & 2 bedroom
 - 75 parking spots estimated (for residents primarily)
 - Approximately 15,000 square feet of retail
- Committee members expressed interest in parking that community could access, adherence to Duke Plan, and desire for family-sized units
- Committee requested developer publish construction and demolition information online and to reach out to abutting neighbors and establish a designated POC for construction issues.

4. **Update on 815 Florida Ave NW (HFA Headquarters site)**

- Presentation from HFA Director Chris Donald
- Recap of what has happened thus far: RFP came out in early 2022, Partnership is not in place yet with Jair Lynch, negotiations ongoing.
- Unable to provide specific details on what design will be while negotiations are ongoing, hears community request for daytime retail and activity – will have a focus on affordable housing given mission. Also interested in providing space at the intersection of African American LGBT community and the arts.
- Timelines estimates:
 - Business agreement next 6 months
 - Plan from there for funding (\$30-50 million estimate)
 - Minimum of 36 months
- What could the project look like?
 - Desire to maximize the density, goal of 240-250 units
 - Emphasis on family-size units
 - Consideration of how art component will affect the spaces
- Committee discussion:
 - Importance to the Duke plan, design is important since it anchors the community - Director Donald committed to excellent design approach.
 - Townhouses on block – when asked, HFA has no immediate plans to purchase adjacent townhouses. Committee would support looking at that option.
 - Retail and community space – Director Donald emphasizes that the housing will drive decisions but that they will strongly look at community spaces
 - Owner – likely to be owned by private developer
 - Arts overlay and 18-hour traffic – both important to committee.
 - History of building – Trade union building on the lot.
 - Affordability – vast majority will be 60% and below, request by committee members to make some 30% AMI units if possible. General support for new housing to be affordable, take into account noise of the area.
 - Community engagement – will be baked into the process, Director Donald committed to coming back to the committee.

5. New Business

- Quality of life and safety issues at 600 block of T Street
- Mayor’s Office has set up Task Force to address concerns in the area
 - Alley across from Right Proper is a major issue, doorway in Wells Fargo building
 - Owner is getting an architect to restrict access to the alley
- Hoping DPW needs to enforce parking restrictions at the turn lane of 7th/Florida to help address blocking the sidewalk on 7th Street
- Request for Howard to come to committee to discuss plans for CVS site

6. Meeting Adjournment and Next Meeting

- Next Meeting: Thursday, November 17 at 6:30pm (usually Third Thursday of the month). Contact Committee at: 1B01@anc.dc.gov. On the web at: ANC1B.org



ANC 1B Transportation Committee

Wednesday, October 12, 2022

Agenda

1. Welcome - 7:00 p.m.
2. Roll call and introduction of members

Committee Members	Present	Committee Members	Present
Ben Klemens	Yes	Nick Semanko	Yes
Karen Gaal	Yes	Sean Conway	No
Lucas Muller	No	Sharon Dreyfuss	No
Santiago Lakatos	Yes	Eli Weiner	No
Max Ewart	Yes		

3. DDOT Update - 11th Street Bikelane and Vermont Avenue Bikelane
 - a. Why? Bike lanes are supported by multiple plans
 - i. Protected bike lanes are made to ensure less confident bikers are able to use the space
 - b. Project is broken out into segments for design considerations, construction considerations, etc.
 - c. What concerns have been brought up with schools along the corridor?
 - i. We haven't gotten into the level of detail about the schools along the corridor.
 - d. Even though 11th Street has existing facilities, we have higher standards now and can improve them
 - e. Vermont Avenue, would be parking protected on both sides with bus stops at their appropriate areas.
 - i. Would these be bus islands?
 1. Similar to the K situation

- ii. Would remove one lane, traffic analysis has not been completed
 - iii. 11' drive aisle width on travel lanes
 - 1. Minimum for buses
 - f. 11th Street
 - i. From S - Florida (Two options)
 - 1. Remove all parking
 - 2. Remove half parking and convert to one way (direction
 - ii. From Florida to Harvard
 - 1. Wide enough that parking impact would be minimal
- 4. Resolution - 15th Street Sidewalk Expansion
 - a. Santiago motion, Karen seconded, to recommend approval of the resolution. Approved unanimously
- 5. Resolution - Meridian Hill/Malcolm X Park Ownership and Maintenance Transfer
 - a. Motion made by Karen Gaal, seconded by Santiago Lakatos, to recommend approval of the resolution. Approved 4-0-1 (Nick Semanko abstained)
- 6. New Business



Zoning Preservation & Development Committee

For meeting held Monday Oct 17,2022

Minutes

1. Welcome – Call the meeting to order at 6:33pm
2. Roll Call and Introduction of Members

Committee Members	Present	Committee Members	Present
Joel Heisey - 1B01	YES	Brad Grant - 1B09	YES
Jason Bello - 1B01	YES	Tony Norman - 1B10	YES
Frank Chavin - 1B02	YES		
Patrick Nelson - 1B03	YES		
Karen Gaal - 1B04	YES		
Max Ewart – 1B07	NO	Members present	7 of 8

3. 1250 U St / Alley lots NW (ARTS-1/RF-1) East Banc / Nate Klass (Square 274 / Lots 133, 804 – 820, 57 – 61) SMD 1B-12 Sabel Harris. Brief review of benefit package data for the Consolidated Planned Unit Development (PUD) and Zoning Map Amendment project of residential/commercial building at 1250 U St and residential units on alley lots behind. Since last mtg we have received notice that our set down hearing has been set for Nov 10 at 4pm. The zoning commission will discuss the application no input from developer or community, and they will decide if it is fit for public hearing. Then a pre-hearing submission will be done and hope that the hearing will occur sometime in Feb 2023. The u street association met last weekend to discuss benefits program and we are waiting to receive the input that came from that event. We then will start to narrow down the “list” of 20+ items to what we think will work best for the application. We have made good progress on the art proposed projects for the site and are working to do rfp’s. Memorializing the U st and temperance alley history and are working with Prof Grant from Howard Univ involvement on the project, and a dc-based art curation company metallic territorial on drafting the rfp’s and want to get done by the pre-hearing submission. Still working with DDOT on bus stops and info screen. Spoke with DPR and need to work a bit on what if any “programing” can be done. They have idea for the rec center that they are moving on. Working on the landscaping ideas for the alley area will give update once I get specifics. We are still waiting to hear about the bid idea with the Brookings Intuition. There is further discussion on this idea that it needs to be looked at as place management to expanding the scope past just a bid. We need to keep in mind that this need to be self-sustaining. Maybe a study would be more in line. We are looking at the idea for public bathrooms. Need to determine the feasibility both space wise and management of them. Looking at the stone furniture for the plaza and need to work with metro on that. Karen – as far as dpr need to look at items that can be used such as tables, performance stage (permanent items). In response to the question about parking we anticipate that more people who will live here will not have cars but are in a

partnership with the owners of the Ellington across the street and proposed rent the excess spots that they have if needed by someone in our building. Next steps we will have a public meeting on Oct 25 to continue discussions. Will return next month.

4. 2730 Georgia Ave (MU-4) Howard University (Square 2885 / Lot 113) SMD 1B-09 James Turner BZA Case 20837 Hearing Date 12.21.22. Special Exception matter of right uses of Subtitle U § 512 (pursuant to Subtitle U § 513.1 (E) and Subtitle X § 901.2), to allow for food delivery use in existing, detached, one-story commercial building in MU-4 zone. We are looking to relocate the Sodexo food service/catering from the "HERB 1" building on 7th street that is being redeveloped and needs to move to another location. This building owned by Howard was at one time a food service establishment, so it is best fit for the needs of the Sodexo group. This would be used to prepare the food needed for campus activities. It is a 7-day working week depending on what are needed on campus. Deliveries are made daily, and trash would be three times a week (more if needed). Along the alley side of the site there is a retaining wall that is 4 feet and in the regulations state that it needs to be 12 inch thick 6 feet high brick wall to separate the mu-4 from the rf-1. We could ask for a variance to use the wall that is there or build a new wall inside the existing wall. Frank – this property is outside of the campus plan and is owed by the university? The answer is yes to both, and it was previously rented to Enterprise car rental. I have concern about the fact that it is losing its connection to the street and can there be something (food truck/vendors) done to liven it up. The question is whether the proposed use really activates the street scape or just a "back office" use. The long-term plan for this is not site has not been determined this would be interim use. Tony - Will there be any demolition or construction and is there enough parking on the site for their needs. Only if we have to build the wall and the parking on site will be enough. Dr Leonard – Frank if you are talking about improving the building from street view (painting) we should look into that. Frank – yes that would be an idea to consider. Brad – is there a larger master plan for this site. The university should not plan on keeping it this way indefinitely. There are other opportunities for upgrading of this site but nothing right now is being planned. Jason – If this is temporary do you know where you plan a permanent site to house them on campus. The future location is in the proposed student union building not on the plan to do at this point of time. Chair – so I just want to say that I would suggest abiding by the regs and request the wall be constructed so as to minimize conflict with the butting neighbors. I would suggest also looking into the possibility of putting a netting cover on the Girard Street side fencing with artwork on street side to enclose the site. Then if there is no further discussion the chair moves that the committee recommends to the full ANC it support the applicants request for a special exception matter of right use to allow for food delivery use in existing, detached, one-story commercial building in MU-4 zone. It further requires the applicant adhere to the zoning requirements for the wall on the alley (be constructed at lot level), the exception be in place for period of 5 years, extended an additional term upon bza approval and the fencing along the Girard Street side of lot covered with art wrap. Seconded by Karen. Motion passes as 5 Yes 0 No 0 Abstain.

5. 2112 Georgia Ave (MU-10) Lot 3, LLC and Howard University (Square 2877 / Lot 62,811,934,945,968,970,972,977,979,1023,1033) SMD 1B-11 Amanda Farnan BZA Case 20850 Hearing Date TBD. Special Exception matter of right uses of Subtitle U § 517 (pursuant to Subtitle U § 518.1 (G) and Subtitle X § 901.2), to permit an experimental research and testing laboratory in a new, detached, six-story with below-grade parking and penthouse, office building in the MU-10 zone. This is another one of the sites being developed. It is being developed as the National Research Center for Health

Disparity. Which will aim to attract pharmaceutical companies and bio medical research organizations for focus on treating chronic illnesses especially thoughts that affect communities of color. The building is on west side of Ga Ave just south of Barry Place and north side of Bryant Street extension. It is in zone that provides medium to high density mix use and permits with special exception the experimental research. The lot will be divided into two buildings lab and research and one residential. Dr Leonard – this project is historic and will be impactful for many generations to come for Howard and its students. There will be retail on the ground with office space above. Jason – would like to show my support for this project and what it brings to the city. Tony – is there going to be housing on this site. Yes, there is but will be a matter of right not part of the research project. So, there will be approximately 446 units with 23500 ft of ground floor retail. 8% IZ units with an additional 20 units above the IZ. Chair – then I will move that the committee recommend to the full ANC that it support the special exception matter of right use to permit an experimental research and testing laboratory in a new, detached, six-story with below-grade parking and penthouse, office building in the MU-10 zone. Seconded by Frank/Karen. Motion passes as 5 Yes 0 No 0 Abstain.

Frank – can we as a committee request that someone from HPO office to come and talk with us on signage and how they deal with the application of the historic standards kept in place. So please send email with the items to be discussed and Chair will ask them to respond.

Meeting end at 8:23 pm

5. Meeting Adjournment

The Zoning, Preservation and Development Committee meets every third (3) Monday of the month currently online virtually, through Zoom / when in person (except on holidays) at the Thurgood Marshall Center, 1816 12th St NW, Washington DC 20009

Contact Committee at: zpd@anc1b.org On the web at: ANC1B.org

2000 14 STREET, NW
SUITE 100B
WASHINGTON, DC 20009
(202) 481-3462
1b@anc.dc.gov
[@ANC1B](https://www.anc1b.org)

COMMISSIONERS

LARRY HANDERHAN
1b01@anc.dc.gov

DANIEL ORLASKEY
VICE CHAIR
1b02@anc.dc.gov

BOE LUTHER
1b03@anc.dc.gov

DEBORAH R. THOMAS
1b04@anc.dc.gov

ALAN KENSEK
1b05@anc.dc.gov

JUDY K. FLOY
1b06@anc.dc.gov

MAX EWART
1b07@anc.dc.gov

ERIC BEHNA
1b08@anc.dc.gov

JAMES A. TURNER
CHAIR
1b09@anc.dc.gov

VACANT
1b10@anc.dc.gov

AMANDA FARNAN
1b11@anc.dc.gov

SABEL HARRIS
SECRETARY
1b12@anc.dc.gov

15th Street Bike Lane Expansion Study Request

WHEREAS, "[moveDC](#) is the long-range transportation plan for the District of Columbia," which "establishes goals, policies, strategies and metrics for District Department of Transportation (DDOT) to invest in transportation facilities and programs that address the future needs"¹;

WHEREAS, DDOT approved the moveDC plan in January 2022 including a bicycle priority network on 15th Street NW from the Tidal Basin to Irving Street NW,

WHEREAS the 15th Street NW cycle track is one of the highest used cycle tracks in the District of Columbia and often experiences significant cycle traffic and congestion,

WHEREAS 15th Street NW is an excessively wide road with three one-way travel lanes north of Rhode Island Avenue and two parking lanes in addition to the cycle track and sidewalk,

WHEREAS numerous segments of the sidewalk on 15th Street NW are excessively narrow and not suitable for mobility challenged pedestrians,

THEREFORE, BE IT RESOLVED that ANC 1B requests that DDOT evaluate and create plans to widen and expand existing sidewalk facilities on 15th Street NW from Euclid Street NW to Eye Street NW to accommodate increased traffic,

BE IT FURTHER RESOLVED that ANC 1B encourages DDOT to evaluate and create plans to widen existing sidewalks on 15th Street NW in tandem with an expansion of the cycle track or consideration of a multi-use path,

BE IT FURTHER RESOLVED that ANC 1B encourages DDOT to present any bike infrastructure proposals at an ANC 1B meeting, or similarly sized public meeting that overlaps with the entire 15th Street NW area.

#####

Certification:

After providing sufficient notice for and with a quorum of ___ present at its November 3, 2022, meeting, Advisory Neighborhood Commission 1B voted, with ___ Yeas, ___ Nos, and ___ Abstentions, to adopt the above resolution.

James A. Turner
Chair, ANC 1B

Sabel Harris
Secretary, ANC 1B

DDOT, *moveDC 2021 update*, <https://movedc-dcgis.hub.arcgis.com/>. All subsequently quoted moveDC text sourced from the *oveDC* website.

2000 14 STREET, NW
SUITE 100B
WASHINGTON, DC 20009
(202) 481-3462
1b@anc.dc.gov
[@ANC1B](https://www.anc1b.org)

COMMISSIONERS

LARRY HANDERHAN
1b01@anc.dc.gov

DANIEL ORLASKEY
VICE CHAIR
1b02@anc.dc.gov

BOE LUTHER
1b03@anc.dc.gov

DEBORAH R. THOMAS
1b04@anc.dc.gov

ALAN KENSEK
1b05@anc.dc.gov

JUDY K. FLOY
1b06@anc.dc.gov

MAX EWART
1b07@anc.dc.gov

ERIC BEHNA
1b08@anc.dc.gov

JAMES A. TURNER
CHAIR
1b09@anc.dc.gov

VACANT
1b10@anc.dc.gov

AMANDA FARNAN
1b11@anc.dc.gov

SABEL HARRIS
SECRETARY
1b12@anc.dc.gov

Meridian Hill/Malcolm X Park Transfer To District Control

WHEREAS Meridian Hill/Malcolm X Park is a critical green space and community gathering space for communities in ANC 1B, Ward 1, and the District as a whole,

WHEREAS excluding Rock Creek Park, Meridian Hill/Malcolm X Park is the largest urban park in Ward 1,

WHEREAS the National Park Service's (NPS) maintenance, renovations, and overall upkeep of Meridian Hill/Malcolm X Park is woefully inadequate due to chronic underfunding and understaffing of NPS,

WHEREAS half of Meridian Hill/Malcolm X Park is currently inaccessible due to an NPS renovation project that is currently facing long delays,

WHEREAS the District's lack of statehood and full representation in Congress does not allow it to influence the NPS budget and staffing, negatively impacting the park's long-term planning,

WHEREAS the nonprofit organization Rock Creek Conservancy handles a large portion of the day-to-day maintenance of Meridian Hill/Malcolm X Park and relies on fundraising to do so

WHEREAS the Friends of Malcolm X Park are a key stakeholder group that organizes, maintains, and fosters community activities in Meridian Hill/Malcolm X Park

THEREFORE, BE IT RESOLVED that ANC 1B requests that Congresswoman Eleanor Holmes Norton introduce a bill in Congress to authorize the sale of Meridian Hill/Malcolm X Park to the District government,

THEREFORE, BE IT RESOLVED that ANC 1B requests that Congresswoman Eleanor Holmes Norton attach this legislation to legislation authorizing the sale of RFK Stadium to the District,

THEREFORE, BE IT RESOLVED that ANC 1B requests that Council-member Nadeau introduce a sense of the Council resolution in support of this transfer,

THEREFORE, BE IT RESOLVED that ANC 1B requests that Council-member Nadeau seek funding in the FY2024 budget, or whichever budget follows the approval of the land transfer, sufficient to cover the cost of purchasing the land,

THEREFORE, BE IT RESOLVED that ANC 1B requests that Council-member Nadeau seek to fully fund the budget of the Department of Parks and Recreation to ensure that that Meridian Hill/Malcolm X Park is fully restored and maintained,

THEREFORE, BE IT RESOLVED that ANC 1B requests that Council-member Nadeau seek to transfer maintenance responsibilities for DPR parks from the Department of General Services to DPR.

#####

Certification:

After providing sufficient notice for and with a quorum of ___ present at its November 3, 2022, meeting, Advisory Neighborhood Commission 1B voted, with ___ Yeas, ___ Nos, and ___ Abstentions, to adopt the above resolution.

James A. Turner
Chair, ANC 1B

Sabel Harris
Secretary, ANC 1B

**ANC 1B Special Committee Initial Report
on Allegations Made Regarding Commissioner Alan Kensek, 1B05**

From: ANC 1B Censure Committee Members

1. Commissioner Larry Handerhan, ANC 1B01
2. Commissioner Dan Orlaskey, ANC 1B02 - Committee Chair
3. Commissioner Muhsin Boe Umar, ANC 1B03
4. Commissioner Max Ewart, ANC 1B07

To: Commissioner Alan Kensek, ANC 1B05, via email

At the October 6, 2022 ANC 1B Monthly Meeting, Commissioner Eric Behna, 1B08, made a motion to create a Special Committee ("Committee") to review the following accusations against Commissioner Alan Kensek:

1. Commissioner using an official position for priority access to establishments on U Street NW and 14th Street NW areas
2. Commissioner refusing to leave when asked or at closing, citing their commissioner status
3. Commissioner banned from local bars and taverns due to behavior
4. Inflammatory and demeaning emails to other commissioners, continued after being asked to stop
5. Disruptive behavior at meetings and appearing intoxicated, continued after being asked to stop
6. Verbal and digital attacks on Commissioners, continued after being asked to stop
7. Use of government assets for campaigning, continued after being asked to stop

Censure represents the ANC's official, public reprimand of a Commissioner's conduct. As noted in an October 18, 2022 from the Office of the OAG, "Censure proceedings must abide by the Advisory Neighborhood Commissions Act of 1975 ('ANC Act'), the ANC's bylaws, and (to the extent these two sources are silent) Robert's Rules of Order. An ANC may, 'at the Chairperson's invitation or on motion of any Commissioner,' censure a Commissioner in a public meeting for conduct that just took place in that meeting.' When the conduct at issue falls outside that context, 'charges must be proffered and a formal trial held before the assembly of the [ANC], or before a committee—standing or special—which is then required to report its findings and recommendations to the [ANC] for action.'"

The ANC 1B Code of Conduct Principles (adopted by vote of ANC 1B at the October, 2022 full ANC meeting) states that a Commissioner:

- Must refrain from any activities that may harm the Commissioner's or the Commission's integrity and reputation;
- Must act on behalf of the tenets of the ANC Oath of Office; and

- Must use position and title only when acting in an official capacity.¹

Additionally, the ANC Handbook for 2021-2022 was sent to Commissioner Kensek at his ANC email address (1b05@anc.dc.gov) by Chair James Turner on March 12, 2022. The Handbook lays out requirements for ANC Commissioners including ethical requirements. Specifically, the Handbook states that ANC Commissioners may not

[u]se District of Columbia government resources . . . to support or oppose any candidate for elected office or to support or oppose any initiative, referendum or recall measure in the District of Columbia.²

To review these accusations, the Committee split them into three sections and reviewed evidence related to these allegations. This includes evidence that was proactively shared with the Committee after the ANC 1B Meeting. A recommendation will be made to the full ANC based on the findings of the Special Committee and your written response to this preliminary report (due 5 calendar days from receipt).

The accusations below are all under investigation by the Special Committee.

Section 1: Accusations 1 - 3.

- 1. Commissioner using an official position for priority access to establishments on U Street NW and 14th Street NW**
- 2. Commissioner refusing to leave when asked or at closing, citing their commissioner status**
- 3. Commissioner banned from local bars and taverns due to behavior**

The Committee found several instances that related to these allegations.

On May 27, 2022, a representative from Nellie's Sports Bar (900 U St. NW) reached out to ANC 1B commissioners to inform them that Commissioner Kensek had been banned from the establishment for 60 days due to an incident that occurred on May 14, 2022.³ The Nellie's staff member informed the ANC that Commissioner Kensek had attempted to gain access to the upper level smoking area after it had closed. When confronted by security, Commissioner Kensek refused to leave and had to be forcibly removed from the premises by the security team. After the event, Commissioner Kensek called the bar manager of Nellie's multiple times, threatening staff, and claimed that he "didn't want to make trouble for them," insinuating that he would use his power as an ANC Commissioner to make it difficult to acquire the necessary ABRA licenses. Censure Committee members followed up with Nellie's staff in October to

¹ <https://www.anc1b.org/anc-1b-bylaws>

² Advisory Neighborhood Commissioner Handbook, 2021-2022, p. 11.

³ <https://tinyurl.com/4n8hzyy6>

confirm the allegations. Nellie's staff informed the Committee that Commissioner Kensek was a "repeat offender" and had "harassed staff" repeatedly.

On June 1, the owner of the bar Kiki (915 U St. NW), Keaton Fedak, informed Commissioner Behna that Commissioner Kensek had been in the bar and refused to leave when the bar was closing, arguing that the bar had to let him stay because Commissioner Kensek was an ANC Commissioner. Mr. Fedak also stated that Commissioner Kensek claimed to work with ABRA and that he would get the establishment in trouble with ABRA if they didn't allow him to stay and drink. Mr. Fedak had considered banning him from the establishment, but chose not to.

Since the motion was passed at the October ANC 1B meeting, other residents and local establishments have reached out to Committee members to say that they have had similar experiences with Commissioner Kensek. These include:

Phone call with bar staff⁴ who reached out after seeing the Barred in DC article "ANC 1B Investigating Allegations Against ANC Commissioner" published October 11, 2022 ("Barred in DC Article").⁵ This individual described Commissioner Kensek as a "repeat offender" who came in intoxicated after being served at other establishments, would order more drinks and get cut off, then berate staff. According to staff, he threatened to call the owner and cited his role as ANC. It was reported that Cmsr. Kensek also said something to the effect of the following: "Who do you think you are, I know owner [said name] I will give him a call." When [BAR] staff spoke to Commissioner Kensek the next day, he threatened the staffer's job. [Bar] Staff reports that Commissioner Kensek was banned from the establishment for a period of time but eventually allowed to return.

Correspondence with a bar patron⁶ who reached out after seeing the Barred in DC Article. This patron described an evening earlier this year in a bar on U Street in which Commissioner Kensek was extremely intoxicated and rudely interrupted their party on the back patio, taking a seat from a guest who had left to use the restroom. Per patron: "His speech was completely slurred as he interrupted two separate conversations at our table, mentioning (amongst a lot of gibberish) he was an ANC Rep. We first politely asked him to let us finish our conversation. When he continued we had to yell at him to leave us alone and stay out of our conversation. He stayed at our table, uninvited, for at least 10 more minutes. After a third reminder from our group he needed to stop interrupting us, he drunkenly stumbled away. His behavior was so egregious, it even attracted the attention of other guests at nearby tables and the bar staff." After that time, the patron reports witnessing similar behavior at the same location, e.g. regularly sitting with people uninvited, who ask him to leave because he is too intoxicated, and almost always mentions his ANC status when people ask him to leave them alone. Patron reports that owners of the bar had to have a conversation with Commissioner Kensek because of the number of complaints he was getting about him.

⁴ The person did not want their name or their place of business shared publicly.

⁵ <https://barredindc.com/2022/10/11/anc-1b-investigating-allegations-against-anc-commissioner/>

⁶ This person did not want their name shared publicly.

Another anonymous poster on the Barred in DC Article claimed that Commissioner Kensek had repeatedly sexually harrassed them to the point where they would not go to a certain establishment anymore to avoid him. The Special Committee sees this as a particularly disturbing allegation that, while not corroborated, bears mentioning here and a response from Commissioner Kensek.

Section 2: Accusations 4 - 6

- 4. Inflammatory and demeaning emails to other commissioners, continued after being asked to stop**
- 5. Disruptive behavior at meetings and appearing intoxicated, continued after being asked to stop**
- 6. Verbal and digital attacks on Commissioners, continued after being asked to stop**

The Committee found numerous instances throughout Commissioner Kensek's tenure as a Commissioner in ANC 1B in which his actions during meetings and interactions with other commissioners had been disruptive and confrontational.

Outside of public meetings, the Committee found several incidents in which Commissioner Kensek has directed inflammatory and demeaning emails to the whole Commission primarily targeting Commissioners Eric Behna, Sabel Harris, and Amanda Farnan, and ANC 1B Chair James Turner. Over the past several months, the following interactions have occurred via email or text:

- On May 12, 2022, Commissioner Kensek texted Commissioner Behna threatening to "sanction him if he could" after a community meeting⁷
- On June 1, Commissioner Farnan, after receiving email complaints about behavior at Nellie's, reached out to Commissioner Kensek and recommended to him that he should not attend the Thursday meeting. Commissioner Kensek replied to all of 1B and Councilmember Nadeau and called for a recall of Commissioner Farnan⁸
- On September 1, 2022, Commissioner Kensek confronted Commissioner Harris via text message, stating that he would report her to BEGA (sic), accusing Commissioner Harris of doing this because she was upset with the elections results for the ward 1 Council primary, and claiming that she was preventing him from representing his constituents (sic), after Commissioner Harris muted and turned off the video of Commissioner Kensek who was being distracting and acting inappropriately during the September monthly ANC 1B meeting.⁹

⁷ <https://tinyurl.com/669255sc>

⁸ <https://tinyurl.com/ysrs5ta3>

⁹ <https://tinyurl.com/yt8km6m8> <https://tinyurl.com/csm3busu> <https://tinyurl.com/ykkvxnd9>
<https://tinyurl.com/p5bv3nad> <https://tinyurl.com/574cd4ys>

- On September 17, 2022, Commissioner Kensek threatened Commissioner Behna with a “cease and desist,” claiming that Commissioner Behna was slandering Commissioner Kensek.¹⁰
- On September 21, 2022, Commissioner Kensek asked Commissioner Farnan about getting reimbursed for business cards he purchased on his own, prior to approval for funds to be released by the ANC, and referencing Commissioner Farnan’s campaign signature challenge.¹¹
- On October 19, 2022, Commissioner Kensek harassed Commissioner Behna about not being able to get into the ABRA Committee meeting, accusing Commissioner Behna of trying to prevent him from participating in the meeting. Commissioner Behna informed Commissioner Kensek that he was already signed up for the meeting and his personal email was being used¹²

Within public meetings, the Committee found several incidents in which Commissioner Kensek exhibited disruptive behavior. Over the past several months, the following interactions have occurred during ANC meetings:

- May 12: The first instance of this behavior was at a public meeting hosted by NCBA on May 12 to discuss their proposed development in ANC 1A11. Commissioner Kensek appeared visibly intoxicated and asked nonsensical, unrelated questions. At one point, he requested to tour the construction site for the building to ensure its safety. Commissioner Behna witnessed Commissioner Kensek drinking a beer while he was on mute and, after telling him to wait till the end of the presentation to ask questions, Commissioner Kensek sent the above texts on the same date.¹³
- September 1: The second instance of Commissioner Kensek displaying inappropriate behavior at ANC meetings was at the September regular ANC 1B meeting, on September 1, 2022. Commissioner Kensek announced early in the meeting that he was attending an event for the Mayor. Mayor Muriel Bowser was hosting the [kickoff event for 2022Creates](#) at District Pier, a bar in the Wharf. Commissioner Kensek would turn on and off his camera repeatedly, repeatedly interrupt the meeting, take selfies with other attendees, make faces on camera, and be a general nuisance. At one point in the meeting, Commissioner Harris turned off Commissioner Kensek’s camera and muted him, to stop him from being a distraction to other panelists. Commissioner Kensek reacted negatively, confronting Commissioner Harris on September 1st, as mentioned above.¹⁴

¹⁰ <https://tinyurl.com/5a7t9w45>

¹¹ <https://tinyurl.com/4k5ysras>

¹² <https://tinyurl.com/zmbspa94>

¹³

https://us06web.zoom.us/rec/share/GfnIRECrXKVBD2IEfzPdcBFDSK3wWr5UgUDPMciixD73ytyrujUv-3Kb6KDdkMdQ.NjV9JVUo5W_VtJnA?startTime=1652394738000

¹⁴

https://us06web.zoom.us/rec/share/lcKnGS_WoQo43h7PDp8HBj2xBQiMIHy3jilGWBIfGeerset8-WsAQp1j uvYxiS7L.ckhKjWca4HJwflPc

Section 3: Accusation 7

7. Use of government assets for campaigning, continued after being asked to stop

In an email exchange that began on April 13, 2022 and ended on April 15, 2022, Commissioner Kensek offered campaign funds for Commissioner Harris' Ward 1 Councilmember campaign through his ANC email address. Commissioner Harris informed Commissioner Kensek that this was a violation of ANC ethics and that ANC email addresses should not be used for any campaign-related or political advocacy activities. Commissioner Kensek said that he did not know and that this would not happen again.

On June 9, 2022, Commissioner Kensek sent an email to the entire ANC 1B after announcing that he would be publicly endorsing Salah Czapary for Ward 1 Council. Immediately after the email, both Commissioner Harris and Chair Turner replied announcing that this was likely a violation of the Hatch Act and OANC ethical guidelines for using an ANC linked account for campaign purposes. Commissioner Kensek ignored the recommendation.

In emails referenced above in Section 2, throughout September and October, Commissioner Kensek has sent emails to Commissioners Harris and Farnan, mentioning previous campaign donations to Commissioner Harris in her campaign for Ward 1 Councilmember, and Commissioner Farnan's opponent in her bid for ANC Candidacy, Brian Footer, in ANC 1E.

The use of official ANC email addresses in order to conduct campaign activities or to advocate for particular candidates is a violation of the ethical standards of conduct for DC officials, including ANC Commissioners.¹⁵

Conclusion

The Special Committee is investigating the accusations presented herein. As Commissioner Kensek's response is a part of that investigation, the Committee will reserve any final conclusions or recommendations to the full ANC until after Commissioner Kensek has had an opportunity to respond to this initial report in writing within five (5) days of receipt of this initial report via email.

¹⁵ See D.C. Official Code §§ 1-1163.33 and 1-1171.01(8)(A).

ANC 1B Censure Committee Report – Response from Commissioner Alan Kensek of 1B05

To: ANC 1B Censure Committee Members, via email

1. Commissioner Larry Handerman, ANC 1B01
2. Commissioner Dan Orlaskey, ANC 1B02
3. Commissioner Muhsin Boe Umar, ANC 1B03
4. Commissioner Max Ewart, ANC 1B07

From: Commissioner Alan Kensek, ANC 1B05

Accusations/allegations;

1. Commissioner using an official position for priority access to establishments on U Street NW and 14th Street NW areas
2. Commissioner refusing to leave when asked or at closing, citing their commissioner status
3. Commissioner banned from local bars and taverns due to behavior
4. Inflammatory and demeaning emails to other commissioners, continued after being asked to stop
5. Disruptive behavior at meetings and appearing intoxicated, continued after being asked to stop
6. Verbal and digital attacks on Commissioners, continued after being asked to stop
7. Use of government assets for campaigning, continued after being asked to stop

These 7 allegations are untrue and unfounded. These victimization and slander have not only made the public/Special Committee believe these allegations are true, yet the entire process has been biased. I encourage all to watch the public meeting on October 27, 2022.

<https://us06web.zoom.us/rec/share/6ZpN4Z6hCApNBCuGDmKm2gWFNcpCmT8IplGexMFZdipLROLG4Mc-KRDQ3RI3Fju1.hEiYGHU0HEq3rSCf>

Passcode: **D42TL=#i**

This is the most restrictive, least democratic suppression done in order to get a colleague to walk lock step with their oppressive corrupt actions. This is a deliberate slandering process that is being instituted because their uncivic actions and negligence to their constituents were highlighted based numerous false community complaints. All of the things that have plotted to bring forth conjecture of a bar room gossip answering favor in order to gain unlimited bar access and maintain his friendship with the accusing ANC member who also made multiple comments on his twitter account 20 days prior to these allegations being read on October 6th. Please see attached screen shots. It's critical to ensure that this blatant abuse and bullying from their positions is immediately stopped because this culture that they created has cause tremendous harm to the fairness, justice and humanity of our community. Their suppression of the corrupt behavior that transpired by using this action as a weapon to censure me, 4 days before an election is despicable.

The ANC 1B Code of Conduct Principles (adopted by vote of ANC 1B at the October 2022 full ANC meeting) states that a Commissioner:

- Must refrain from any activities that may harm the Commissioner's or the Commission's integrity and reputation.
- Must act on behalf of the tenets of the ANC Oath of Office; and
- Must use position and title only when acting in an official capacity.

-I have never caused harm to the Commissioner's or the Commission's integrity and reputation.

-I have and will act on behalf of the tenets of the ANC Oath of Office and,

-Have never used my position or title

Section 1: Accusations 1 - 3.

1. Commissioner using an official position for priority access to establishments on U Street NW and 14th Street NW areas.

This has *never* happened. This is simply gossip and an organization who has over 17 Investigation reports/citations from assault to police officers to patrons, against them, trying to come off in the public as law abiding business. I can count on one (1) hand how many times I have been at Nellie's during my 7 years of living in this great city, however being accused as a "repeat offender" is a blatant lie. If anyone is a "repeat offender" it is Nellie's and their establishment. I also have never "harassed staff" at Nellie's. The 1B constituents knows what Nellie's has done and have voiced many concerns even at our last in-person meeting October 6th, 2022. With all of these allegations about me using my Commissioner status in the "U" street area to gain access and it is now being brought up eight (8) months later, one (1) month before elections. No one from a news article writes about it. No one speaks about it until now. There is nothing notarized or signed. U street is a small area, but yet all of a sudden, these anonymous people/comments are coming out.

2. Commissioner refusing to leave when asked or at closing, citing their commissioner status 3. Commissioner banned from local bars and taverns due to behavior.

As far as Keaton Fedak, the owner of Kiki, informing Commissioner Behna on June 1st that I refused to leave during closing time due to me being a Commissioner is not true and *never* happened. Furthermore, I find it concerning that this bar would take my money and well-paid tips as a patron and go to another acting commissioner and say these things about me. I have never said I worked with ABRA and if Kiki didn't allow me to stay, I would get them in trouble. This *never happened*. I am not on the Commission for ABRA and have been to two (2) meetings in the past two (2) months. This incident is stating June 1st is a lie. I have never been banned from Kiki and they certainly enjoyed my financial support during my few visits of this 1B local establishment.

.

Local establishments reaching out to the Committee members to say that since the motion was passed at the October ANC 1B meeting, other residents and local establishments have reached out to Committee members to say that they have had similar experiences with Commissioner Kensek is gossip and not true. "Barred in DC" is a TMZ/ National Enquirer type of online gossip column. It was meant to slander my character. I am not aware of being banned and allowed back in. This is 100% hearsay and that's all.

For a "supposed" patron to reach out after that nonsensical article is hard to believe. This did not happen.

I have *never* sexually harassed anyone in my life, which was added to the comments section based off of the "Barred in DC" article. Again, this supposed anonymous caller/writer is made up from the Commission to make me look bad. Just like the innocent comment of the date and time for the public special committee hearing.

Section 2: Accusations 4 – 6

4. Inflammatory and demeaning emails to other commissioners, continued after being asked to stop

5. Disruptive behavior at meetings and appearing intoxicated, continued after being asked to stop

6. Verbal and digital attacks on Commissioners, continued after being asked to stop

They are alleging that outside of public meetings I have inflammatory and demeaning emails to the whole Commission primarily targeting Commissioners Eric Behna, Sabel Harris, Amanda Farnan, and Chair James Turner. I do not target anyone. I am persistent and the fact that over the past 8 months that these aforementioned individuals have bullied me and ignored emails I have sent, when asked by my constituents has been unacceptable and not fair. Especially if we are a "collegial body" as Commissioner Behna likes to say. As mentioned in the public meeting on October 6th, this commission has been the most untransparent body I have ever seen in my 7 years as a resident. Working with them over the past eight (8) months has been very difficult to get information to say the least. I asked since March to get business cards and had to purchase them on my own (Commissioner Farnan told me where they all had their cards done) in August. When I asked for reimbursement, I received this email on August 31st, 2022, from Commissioner Farnan;

"Hi Alan - It is not. We needed to approve funds to pay for cards. This item has not been added to the agenda.

The be frank, there is an open ethics investigation looking at your misrepresentation of what a Commissioner says and does. We are not in a place where business cards are an appropriate use of funds in this case.

***Talk soon,
Amanda***

***Amanda Farnan
Commissioner, 1B11
Treasurer, ANC 1B
(202) 525-7059***

Please note I have been asking for my cards since March and 1B has \$120,000 in the bank. Commissioner Farnan is the "Treasurer" and saved that much just so some of IB finances would get transferred to the new "1E Commission" that she is now running for. We all know 1B could have used those funds on a whole lot for our community! I have been asking her repeatedly for months what 1B monies look like and received vague answers. Almost like it was being held by not only my 1B05 constituents, but *all* of the constituents in 1B.

I have *never* been intoxicated on a call. I am always ready, prepared and engaging to handle my responsibilities as a Commissioner to ensure my constituents concerns are voiced and recognized. My constituents vote for me, not my fellow Commissioners. These allegations are because they take things personally and do not like me. When I first became a Commissioner, I treated Commissioner Orlasky, Commissioner Harris, Commissioner Farnan, and Commissioner Ewart out for drinks and dinner because I wanted to get to know them.

Commissioner Behna accusing me on 2 different incidents of being intoxicated while on a zoom call is not fair. In fact, in May of this year at Dirty Goose as they were closing, I witnessed along with others Commissioner Behna being held up by his partner and a bouncer leaving the bar and I said to him and I quote "Commissioner Behna, you shouldn't throw rocks when you live in a glass house." I also have said to him on a few occasions when you can't stand on your own two (2) feet that is the definition of intoxication. For the record, I do where my Invisalign 22-23 hours a day. Also not that it is anyone's business I also take heart 2 separate heart medications that are known to tire one. I don't feel comfortable sharing the photos of the 2 medications but will do so if the Special Committee would like me too, including my Invisalign box.

Commissioner Sabel blocked my camera and speaker on the zoom call on September 1, 2022. When I texted and asked her during the meeting, her response to me was "For your zoom it's nothing on my end". In the public meeting on October 27th, she admitted she did blocked my zoom video, making her a liar. (Screen shot of Commissioner Harris saying the aforementioned)

The Commission says, "More recently, Commissioner Kensek has been requesting to be a panelist on various committee meetings". This is true to get a gauge of where we are at so when more than two (2) thirds of this current board retires/not running for reelection, or changes Commissions to 1A and 1E (due to the census, all areas have been rezoned). I can effectively carry on the duties for 1B.

Section 3: Accusation 7

Use of government assets for campaigning, continued after being asked to stop

I *never* intentionally tried to use government assets for campaigning. I will add that when Commissioner Farnan ran during her special election to become the 1B11 SMD representative. Commissioner Farnan put on a YouTube video of all Commissioners (even the outgoing 1B11 Commissioner Delaney) with the exception of Chair Turner, and had Commissioners say that Amanda Farnan is the right candidate and that constituents should vote for Commissioner Farnan. Even those on this Special Committee. Now that violates the Hatch Act and is very abusive of government assets for campaigning. Furthermore, when I asked *all* Commissioners about this, Commissioner Farnan deleted the video off her twitter page, and no one responded.

In conclusion I would like to share something that the Special Committee wrote, and I obtained on October 26 at 5PM EST, the day before the public meeting and before allowing me the 5 days to even respond. I have a copy of this and attached it as well so you can see in black and white what they already predetermined. This is the Special Committee's conclusion.

"Conclusion

The Censure Committee has reviewed the evidence provided. We believe that the evidence provided accurately corroborates the accusations put forward against Commissioner Kensek. While all of the accusations are accurate, the Committee does not believe that accusations four (4), five (5), and six (6) warrant a censure recommendation. However, The Censure Committee believes that accusations one (1), two (2), three (3), and seven (7) warrant a censure recommendation.

The accusations that warrant a censure recommendation violate ethical standards and potentially violate federal law. While ANC Commissioners have "great weight" in an advisory capacity, utilizing one's status as an ANC commissioner for personal gain is unethical and should be treated as a serious problem. While accusations four (4), five (5), and six (6) are not censure-worthy in a vacuum, they reflect poorly on Commissioner Kensek's character.

Additionally, since the motion was passed to begin the censure committee, several people have reached out to the ANC to provide additional evidence supporting the accusations, most notably in the comments section of [a blog post by “BarredinDC”](#) and in the replies on [Twitter](#).

Official Committee Recommendation: The Censure Committee recommends that the full ANC censures Commissioner Kensek”

Now you’re going to tell me that this body is unbiased. The Special Committee already planted the seed. I highly recommend watching the aforementioned public video from the Special Committee from October 27th.

I did make OAG aware of this and they responded to all Commissioners;

“From: (OAG)

Sent: Saturday, October 29, 2022 3:38:39 PM

To: Kensek, Alan (SMD 1B05) <1B05@anc.dc.gov>; Turner, James (SMD 1B09) <1B09@anc.dc.gov>

Cc: OAG ANC (OAG) <oag.anc@dc.gov>

Subject: Censure procedures question follow-up

Good afternoon Commissioners,

Commissioner Kensek forwarded us a draft document, which he also mentioned that he had discussed in the recent public special committee meeting. That document discusses the pending censure matter and contains language recommending a particular outcome in the matter. He indicated that the document has been shared both with commissioners on the special committee and with commissioners who are not on the committee. He has asked us to opine on whether the preparation and dissemination of this document undercuts the fairness of the process. This email responds to that request. In keeping with the carefully limited role of our Office in this type of matter, we go no further than to reaffirm the principle of fairness we have emphasized before. The ANC must pursue a fair process in which commissioners review the evidence before them with an open mind and avoid prejudgment or any appearance of prejudgment. We offer no opinion as to whether these requirements of fairness have been satisfied here.

Thanks very much,

Legal Counsel Division

Office of the Attorney General for the District of Columbia

1350 Pennsylvania Avenue NW

Washington, D.C. 20004”

This commission has tried to intimate and bully me, and by doing so has waisted the 1B/District of Columbia community tax paying dollars. I am sorry to any of my constituents that have had to read these lies about me.

In solidarity,
Commissioner Alan Kensek1B05

Statement of Conclusion

Special Committee of ANC 1B to Review Allegations Against Commissioner Alan Kensek

The members of the Special Committee have reviewed the allegations of misconduct against Commissioner Alan Kensek and the evidence both supporting and opposing each allegation. The Committee would like to make it clear that the only remedy available to an ANC, if such allegations are found to be valid, is censure. Censure carries a penalty of an official condemnation of actions and a bar from serving on ANC Committees or executive positions for the remainder of a commissioner's term.

All evidence supporting the allegations below can be found in the Initial Report.

Commissioner Kensek submitted the following evidence in opposition with his Response.

Text exchange with Commissioner Kensek and Commissioner Harris during the September monthly ANC 1B meeting. - [LINK](#)

Screenshot of tweet from Commissioner Behna - [LINK](#)

Screenshot of private message from Commissioner Behna - [LINK](#)

Allegation:

1. The Special Committee voted (2 yeas, 0 nays, 0 abstentions) that the evidence presented, both for and against, is sufficient to show that Commissioner Kensek used his official position to coerce concessions from local establishments. Commissioner Kensek denied the allegations in his response as to only one establishment, he did not address corroborating evidence of his conduct provided in the Initial Report.
2. See Allegation 1 above.
3. The Special Committee voted (1 yeas, 2 nays, 0 abstentions) that the evidence presented, both for and against, does NOT sufficiently show that Commissioner Kensek abused his position in being banned from certain establishments for his behavior.
4. The Special Committee voted (0 yeas, 2 nays, 0 abstentions)¹ that the evidence presented, both for and against, does NOT sufficiently show that Commissioner Kensek conducted himself in violation of the ANC 1B Code of Conduct or the rules of ethical conduct for an ANC Commissioner. While he did, on several occasions, show disrespect towards other Commissioners and conducted himself in a questionable manner during several official public meetings, the Special Committee believes that the circumstances and

¹ Pursuant to ANC 1B bylaws, the Chair only voted in instances where there was a tie. Votes were cast by those members of the Special Committee present after all were notified.

evidence surrounding these exchanges do not sufficiently rise to the level of official censure.

5. See Allegation 4 above.
6. See Allegation 4 above.
7. The Special Committee voted (2 yeas, 1 nay, 0 abstentions)² that the evidence presented, both for and against, is sufficient to show that Commissioner Kensek did violate prohibitions on Commissioners using ANC resources, including ANC emails and official public meetings, for political campaign purposes. This behavior was repeated after initially being advised that doing so is a violation of rules regarding conduct of a Washington, DC official (See Initial Report, Allegation 7).

In making its decision, the Special Committee members considered all evidence presented both for and against each allegation. While much of Commissioner Kensek's conduct has shown questionable judgment and a clear lack of respect for his fellow Commissioners, even conduct that many might consider abusive, the Special Committee ultimately decided that Commissioner Kensek's attempts at abusing his power as an ANC Commissioner, outlined in allegations one, two, and seven, necessitated a censure recommendation. By majority vote, the Special Committee believe that an official censure is warranted, as described above.

² *Id.*

RESOLUTION OF CENSURE FOR COMMISSIONER ALAN KENSEK

WHEREAS; Commissioner Alan Kensek was certified and published in the DC Register to fill the Single Member District 1B05 vacancy as a single candidate having completed the petition and challenge periods for the vacancy;

WHEREAS; Under the Advisory Neighborhood Commissions Act of 1975 (“ANC Act”), an ANC does not have the power to regulate Commissioners except during ANC proceedings or when they are using ANC property including ANC email.

WHEREAS; ANC 1B has consulted with the Office of the Advisory Neighborhood Commission, the Office of the Attorney General, the Office of Government Ethics, the ANC 1B Code of Conduct, and the DC Code, among other sources, during this process.

WHEREAS; ANC 1B has been advised that ANC 1B has the authority to issue a resolution of censure if it finds sufficient grounds to do so after a full review of the evidence presented both for and against.

WHEREAS; Commissioner Kensek using his official position in order to coerce concessions from local establishments is a violation of ANC 1B Code of Conduct and DC rules for Advisory Neighborhood Commissioners.

WHEREAS; Commissioner Kensek using ANC resources, including his official ANC email and official public meetings of ANC 1B and its committees, for campaign purposes is a violation of D.C. Official Code §§ 1-1163.33 and 1-1171.01(8)(A) and is clearly stated in the Advisory Neighborhood Commissioners Handbook, 2021-2022.

WHEREAS; The Advisory Neighborhood Commission 1B Special Committee presented the allegation and supporting evidence to Commissioner Kensek in an Initial Report and allowed Commissioner Kensek to respond in writing within five (5) calendar days.

WHEREAS; The Special Committee has consolidated the allegations, evidence for and against, and Commissioner Kensek’s response and sent this information to all Commissioners of ANC 1B for their review.

WHEREAS; The Special Committee recommended a vote be taken, yay or nay, on the question of whether to Censure Commissioner Kensek based on the information presented.

THEREFORE BE IT RESOLVED THAT: Advisory Neighborhood Commission 1B in accordance with the extent of its authority, its Code of Conduct, a majority vote of Commissioners present at the November 3, 2022 public meeting, and other governing documents hereby CENSURES Commissioner Kensek.

ANC 1B Special Committee Members:

Daniel Orlaskey, Chair
Commissioner, 1B02

Muhsin Umar
Commissioner, 1B03

Max Ewart
Commissioner, 1B07

Larry Handerhan
Commissioner, 1B01

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Certification:

After providing sufficient notice for and with a quorum of present at its November 3, 2022, meeting, Advisory Neighborhood Commission 1B voted, with Yeas, ____ Nays, and Abstentions, to adopt the above resolution.

James A. Turner
Chair, ANC 1B, Commissioner 1B09

Daniel Orlaskey
Vice Chair, ANC 1B, Commissioner 1B02
Chair, Special Committee

Sabel Harris
Secretary, ANC 1B, Commissioner 1B12