



Advisory Neighborhood Commission 2A

“Serving the Foggy Bottom and West End communities of Washington, D.C.”

Regular Meeting Minutes

Wednesday, June 21st, 2023; 8:45 p.m.

In-Person – West End Library, Meeting Room, 2301 L Street NW

Online via Zoom

Call to Order

Commissioner Jim Malec (02) called the meeting to order at 8:51 pm. Commissioners Yannik Omictin (01), Trupti Patel (03), Ed Comer (04), Kim Courtney (05), Dasia Bandy (07), Jordan Nassar (08) were present.

Adoption of the Agenda

Chair Malec made a motion to adopt the ANC’s regular June 2023 meeting agenda. Commissioner Omictin seconded the motion, which was adopted by unanimous consent.

Adoption of Past Meeting Minutes

Chair Malec made a motion to adopt the ANC’s regular and special May 2023 meeting minutes. Commissioner Omictin seconded the motion, which was adopted by unanimous consent.

Commissioner Introductions and Updates

Chair Malec and Commissioners Omictin, Patel, Comer, Courtney, and Nassar gave commissioner introductions and updates.

Announcements and Public Comments

Five local residents and Gabrielle Sosa, GW’s Assistant Director of Government Relations, gave announcements and public comments.

Matters Before the Alcoholic Beverage and Cannabis Administration

District Champagne – Application to Transfer the Establishment's Retailer’s Class “A” Liquor Store License from 1301 9th Street NW to a New Location at 2400 M Street NW

Chair Malec made a motion to adopt a proposed resolution regarding the matter. Commissioner Comer seconded the motion. A roll call vote was requested. The motion was voted on and passed (VOTES: 7-0-0). The roll call vote was as follows:

Commissioner Omictin: Yea

Chair Malec: Yea

Commissioner Patel: Yea

Commissioner Comer: Yea

Commissioner Courtney: Yea

Commissioner Bandy: Yea

Commissioner Nassar: Yea

The resolution reads as follows:

ANC 2A strongly supports the application by District Champagne to transfer the Retailer's Class "A" Liquor Store license (ABRA-122949) from 1301 9th Street, N.W. Suite 102 to 2400 M Street, N.W., with operating hours of 11 a.m. to 8 p.m. on Monday through Saturday, and from 11 a.m. to 6 p.m. on Sunday.

Mary's Café – Application for a New Retailer's Class "C" Restaurant License at 2554 Virginia Avenue NW

Commissioner Comer made a motion to adopt a proposed resolution regarding the matter. Chair Malec seconded the motion. A roll call vote was requested. The motion was voted on and passed (VOTES: 6-0-1). The roll call vote was as follows:

Commissioner Omictin: Yea
Chair Malec: Yea
Commissioner Patel: Abstain
Commissioner Comer: Yea
Commissioner Courtney: Yea
Commissioner Bandy: Yea
Commissioner Nassar: Yea

The resolution reads as follows:

ANC 2A strongly supports Mary's Café's application for a new Retailer's Class "C" Restaurant license to operate Monday through Saturday from 8:00 am to 8:00 pm.

Matters Before the Public Space Committee

Public Space Application by the Embassy of Spain for the Instillation of an Interpretative Panel and the Moving of a Statue at 2375 Pennsylvania Avenue NW

Commissioner Nassar made a motion to adopt a proposed resolution regarding the matter. Commissioner Comer seconded the motion. A roll call vote was requested. The motion was voted on and passed (VOTES: 7-0-0). The roll call vote was as follows:

Commissioner Omictin: Yea
Chair Malec: Yea
Commissioner Patel: Yea
Commissioner Comer: Yea
Commissioner Courtney: Yea
Commissioner Bandy: Yea
Commissioner Nassar: Yea

The resolution reads as follows:

ANC 2A supports the Embassy of Spain’s public space application for the installation of an interpretative panel and the moving of a statue at 2375 Pennsylvania Avenue NW.

Public Space Application by Butter Chicken Company for a New, Un-Enclosed Sidewalk Cafe With 6 Tables and 12 Seats at 1717 Pennsylvania Avenue NW

Commissioner Bandy made a motion to table the matter until the ANC’s regular July 2023 meeting. Chair Malec seconded the motion, which was adopted by unanimous consent.

Matters Before the State Health Planning and Development Agency

Certificate of Need Application by West End Plastic Surgery for the Renovation and Expansion of the Practice’s Existing Elective Cosmetic Surgery Facility at 2440 M Street NW

Chair Malec made a motion to adopt a proposed resolution regarding the matter. Commissioner Omictin seconded the motion. A roll call vote was requested. The motion was voted on and passed (VOTES: 7-0-0). The roll call vote was as follows:

- Commissioner Omictin: Yea
- Chair Malec: Yea
- Commissioner Patel: Yea
- Commissioner Comer: Yea
- Commissioner Courtney: Yea
- Commissioner Bandy: Yea
- Commissioner Nassar: Yea

The resolution reads as follows:

ANC 2A supports West End Plastic Surgery’s application for a Certificate of Need to expand its existing facility from 7,374 square feet to 9,220 square feet.

Matters Before the DC Council

Consideration of a Resolution Regarding DC Council Bill B25-0056 – the “Dram Shop Clarification Amendment Act of 2023”

Commissioner Patel made a motion to adopt a proposed resolution regarding the matter. Chair Malec seconded the motion. A roll call vote was requested. The motion was voted on and passed (VOTES: 5-2-0). The roll call vote was as follows:

- Commissioner Omictin: Yea
- Chair Malec: Nay
- Commissioner Patel: Yea
- Commissioner Comer: Yea
- Commissioner Courtney: Nay
- Commissioner Bandy: Yea

Commissioner Nassar: Yea

The resolution reads as follows:

WHEREAS, on May 1, 2023, Councilmembers Brooke Pinto and Christina Henderson introduced B25-0056, the "DramShop Clarification Amendment Act of 2023" (dramshop),"

WHEREAS, the definition of an "intoxicated" individual would be revised, placing the burden of judgment on the server/bartender to determine if a patron is drunk,

WHEREAS, the bill would remove civil liability from an establishment to any injured individual or their estate as result of being drunk, which would result in the following:

- Make claims of injury that result from a drunk offender harder to bring to court,
- Establishments will have less incentive to make sure patrons are not leaving intoxicated,

WHEREAS, there would be a cap for civil damages should a case be filed in the amount of \$250,000 if any action of harm is committed by a patron towards an individual,

WHEREAS, the training and support from management that bartenders and servers rely on in regards to alcohol service would disappear, and

WHEREAS, this bill will violate the spirit of Vision Zero and will be in direct conflict and opposition to it, as it will make our streets more dangerous for pedestrians, bicyclists, and drivers.

THEREFORE, BE IT RESOLVED that ANC 2A encourages the members of the DC Council to oppose this bill.

Consideration of a Resolution Regarding DC Council Bill B25-0280 – the "Workers and Restaurants Are Priorities Act of 2023"

Commissioner Courtney made a motion to table the matter. Commissioner Comer seconded the motion. A roll call vote was requested. The motion was voted on and did not pass (VOTES: 3-2-2).

Commissioner Omictin: Yea

Chair Malec: Nay

Commissioner Patel: Nay

Commissioner Courtney: Yea

Commissioner Bandy: Abstain

Commissioner Nassar: Abstain

Commissioner Comer: Yea

Commissioner Patel made a motion to adopt a proposed resolution regarding the matter. Chair Malec seconded the motion, which was voted on and passed (VOTES: 3-2-0). The roll call vote was as follows:

Commissioner Omictin: Yea
Chair Malec: Yea
Commissioner Patel: Yea
Commissioner Courtney: Nay
Commissioner Nassar: Nay

The resolution reads as follows:

WHEREAS, on November 8, 2023, DC voters passed Initiative 82 (I-82), a referendum that would phase out the subminimum or tipped minimum wage by 2027, meaning that workers receiving tips would be entitled to the full minimum wage in their base pay before tips,

WHEREAS, on May 1, 2023, Councilmember Kenyan McDuffie introduced B25-0280, the “Workers and Restaurants Are Priorities (WRAP) Act of 2023,”

WHEREAS, Councilmember McDuffie’s legislation would alter the incremental wage increase timeline passed by voters in I-82 by canceling the scheduled increase from \$8 to \$10 per hour in 2024 and implementing full wage parity, to roughly \$17 per hour, in 2025 instead of 2027,

WHEREAS, Councilmember McDuffie’s legislation incentivizes the use of service charges in restaurants by removing sales tax on service charges that contribute directly to the base pay of tipped workers and relaxing requirements by restaurants to report the reason they are imposing a service charge,

WHEREAS, Councilmember McDuffie’s legislation would allow restaurants to charge up to a 22% service charge to customers,

WHEREAS, ANC 2A is home to many restaurants with tipped workers, and restaurant patrons in our ANC are often from outside DC, and

WHEREAS, the confusing service charge model, charging more on the end of a bill without a clear indication of the charge’s purpose, would lead customers to believe they are paying an auto-gratuity or otherwise paying for an employee’s wages beyond their base pay.

THEREFORE, BE IT RESOLVED that ANC 2A opposes the “Workers and Restaurants Are Priorities Act of 2023” as currently written on the basis that it will harm small restaurants that are not yet ready to make the full jump to the full minimum wage for their tipped workers, confuse and discourage restaurant patrons from dining in DC, and reduce tips for restaurant workers.

BE IT FURTHER RESOLVED that ANC 2A believes that the DC Council should adjust the “Workers and Restaurants Are Priorities Act of 2023” in the following ways:

- Encourage or require service charges to be passed on entirely to workers as a supplement to base pay,
- Strengthen restaurants’ obligations to clearly explain service charges to customers,
- Encourage restaurants to implement minimum wage parity faster without changing the wage increase schedule passed by the voters in I-82,
- Outline a robust public education campaign around the subminimum wage increase and service charge laws in DC, and
- Avoid unfair preferential treatment for restaurants over all other commercial entities and retailers in the District.

Consideration of a Resolution Regarding DC Council Bill B25-0152 – the “Reparations Foundation Fund and Task Force Establishment Act of 2023”

Chair Malec made a motion to table the matter until the ANC’s regular July 2023 meeting. Commissioner Courtney seconded the motion, which was adopted by unanimous consent.

Consideration of a Resolution Regarding DC Water

Chair Malec made a motion to table the matter until the ANC’s regular July 2023 meeting. Commissioner Omictin seconded the motion, which was adopted by unanimous consent.

Adjournment

Chair Malec adjourned the meeting at 10:49 pm.

Respectfully submitted,



Edward Comer
Secretary, ANC 2A04