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9:52 a.m.

1  
2  
3 CHAIR MILLER: That concludes our  
4 status cases for this morning, I believe, and we  
5 have next on the agenda a Public Hearing on West  
6 Dupont Moratorium Rulemaking that is scheduled  
7 for 10:00.

8 MEMBER SHORT: Good morning, Madam  
9 Chair.

10 CHAIR MILLER: Good morning. I'll  
11 introduce you in a minute. We are going to be  
12 starting the Moratorium Hearing in a few minutes.  
13 I didn't want to start too early in case there  
14 are people who might miss out.

15 But first of all, I want to let you  
16 all know that Board Member Jim Short has joined  
17 us to my far left.

18 And I thought I would also just get an  
19 idea of the witnesses who might be here to  
20 testify. I have an indication that Daniel  
21 Warwick would be testifying? Okay. Good. You  
22 are here. You could come forward, if you want,

1 to the table.

2 And then is there a Karen Robinson  
3 here? Okay. Good. Yes, you can come forward,  
4 if you would like.

5 And Alan Pellegrini?

6 MR. PELLEGRINI: I'm here as well.

7 CHAIR MILLER: Okay. Good. Yes, so  
8 you can all come up at your leisure. We have a  
9 few minutes before we're going to start. Get  
10 comfortable.

11 Is there anybody else here who is  
12 going to be testifying? Okay. If you change  
13 your mind, you know, as this proceeds, I'll be  
14 asking again.

15 Also we have some testimony that was  
16 handed in to us from ANC-2B. Thank you.

17 Does anybody else have written  
18 testimony they want to hand in or no?

19 MR. WARWICK: No. We do intend to  
20 follow-up by the Friday deadline with written  
21 testimony though.

22 CHAIR MILLER: Okay. Okay.

1 MR. WARWICK: I will be reading the  
2 testimony that was given to you.

3 CHAIR MILLER: Okay. We will follow  
4 along. Okay. Okay. I'm going to start with my  
5 introductory remarks.

6 Good morning. We are here today to  
7 take public comment on a proposal concerning the  
8 West Dupont Circle Moratorium Zone.

9 By way of background, the Board voted  
10 on May 20, 2015 on an emergency basis to extend  
11 the existing moratorium for 120 days so that the  
12 Board could hear from the public on the future of  
13 this moratorium.

14 I'll briefly describe the resolution  
15 submitted by Advisory Neighborhood Commission 2B  
16 and then we will rely on the ANC to describe  
17 their proposal in greater detail.

18 Additionally, we will hear from others  
19 who are present today to speak to the ANC  
20 proposal or to speak to the issue of the  
21 moratorium and the neighborhood in general.

22 ANC-2B proposes that the moratorium be

1 renewed for three years with a few modifications  
2 to the existing moratorium. The ANC supports  
3 ending the prohibition on all Retailer Class  
4 Licenses with the exception of nightclubs.

5 Additionally, ANC-2B recommends that  
6 the ANC continue to work with ABRA, the Noise  
7 Task Force, MPD, DCRA, the Zoning Commission,  
8 neighbors, businesses and other stakeholders to  
9 codify a city-wide restriction on locating  
10 nightclubs next to residential buildings.

11 The Board may grant, deny or modify a  
12 moratorium request in whole or in part. The  
13 Board will begin this hearing by hearing from  
14 Daniel Warwick, ANC Commissioner 2B02 and Chair  
15 of the ANC Zoning Preservation and Development  
16 Committee.

17 The Board will then hear from other  
18 interested persons who notified the Agency in  
19 advance regarding their desire to testify.

20 Anyone else who wishes to be heard  
21 will have the opportunity to testify as well.

22 I will be calling individuals forward

1 in panels. To avoid repetition, you are free to  
2 state that you agree with comments made by  
3 another individual.

4 Please know that you can also submit  
5 written testimony, which will be fully considered  
6 by the Board. The deadline for written testimony  
7 is close of business on Friday, July 31, 2015.  
8 If you have prepared copies of your testimony  
9 today, please, provide them to Ms. Walker when  
10 you come to the table and she will distribute  
11 them to the Board.

12 We do have the testimony of ANC-2B and  
13 I understand that is all that is ready today.

14 Okay. So I'm going to now turn to the  
15 parties and I guess I'll start with Mr. Walker,  
16 right?

17 MR. WARWICK: Warwick.

18 CHAIR MILLER: I'm sorry, what's your  
19 name?

20 MR. WARWICK: Warwick. It's okay.

21 CHAIR MILLER: I'm sorry. Okay.

22 Could you identify yourself and then proceed with

1 your testimony.

2 MR. WARWICK: Good morning and thank  
3 you for giving me the opportunity to testify. My  
4 name is Daniel Warwick, Advisory Neighborhood  
5 Commissioner for ANC-2B02. I live at the corner  
6 of 22nd and O Street, N.W. And I am here on  
7 behalf of the Dupont Circle Advisory Neighborhood  
8 Commission 2B to request that you allow a  
9 majority of the West Dupont Moratorium to expire  
10 while continuing with the restriction on  
11 nightclubs.

12 This is following the resolution  
13 passed by the ANC in May and a working group  
14 report released in April. The following  
15 testimony is based on, but does not repeat the  
16 report in retrospect.

17 West Dupont is a thriving, mixed-use  
18 historic neighborhood with many businesses and  
19 thousands of residents. While the amenities of  
20 late-night retail and entertainment contributes  
21 to many living in West Dupont, there are problems  
22 stemming from late-night activity in our

1 neighborhood, too.

2 In West Dupont there are taverns  
3 located next to residential buildings and in one  
4 building tenants have moved out due to noise from  
5 the establishment next door.

6 The ANC-2B believes these problems are  
7 based on the operating behavior of a select few  
8 business owners, attentiveness of Metropolitan  
9 Police Department patrols and effectiveness of  
10 ABRA and DCRA enforcement of noise ordinances.

11 While ANC-2B is working on these  
12 important issues, they are not germane to  
13 conversations regarding extending the moratorium.  
14 While the West Dupont Moratorium provides a limit  
15 on quantity of liquor licenses, it does not offer  
16 protection against the negative operating  
17 practices of businesses disturbing peace, order  
18 and quiet.

19 20 years ago the West Dupont  
20 neighborhood petitioned the Alcoholic Beverage  
21 Control Board for a moratorium on all liquor-  
22 selling establishments. Over time, the

1 moratorium has been extended five times and many  
2 of these extensions have loosened restrictions to  
3 fit neighborhood needs.

4 In 2006, the total number of licenses  
5 went from 29 to 30.

6 In 2008, the number was increased to  
7 34.

8 The ANC recognizing the moratorium as  
9 a temporary measure which adopts community needs  
10 exempted the 1500 Block of Connecticut Avenue,  
11 N.W., from the Moratorium Zone in 2009.

12 In 2011, the restriction on restaurant  
13 licenses was lifted and 1 Dupont Circle was  
14 exempted from the Moratorium Zone.

15 Over time as our neighborhood has  
16 changed, so has the Moratorium Zone. It is  
17 fitting within this history that ANC-2B requests  
18 an extension of the Moratorium Zone solely on  
19 nightclub licenses.

20 From January through April 2015, ANC-  
21 2B convened a working group consisting of two  
22 current commissioners, one former commissioner

1 and the ANC's liquor liaison for 2B06 on the  
2 moratorium. This working group held three public  
3 meetings and publicized an on-line questionnaire  
4 for additional public comments.

5 From the public outreach process,  
6 there was no clear consensus on the future of the  
7 moratorium. Among the working group's concerns,  
8 adopted by the ANC, are restrictions on new  
9 businesses, enduring economic development and  
10 that development in the form of new retail and  
11 fine dining could force a healthy competition  
12 which the neighborhood has not seen for many  
13 years. Indeed, a high-tide raises all ships.

14 As liquor laws have changed, so have  
15 the classifications of licenses. The moratorium  
16 as it currently stands restricts an art gallery,  
17 distillery, brewery, winery or any Class A or  
18 multi-purpose license applicant from being  
19 considered for a license regardless of the  
20 applicant's merit.

21 The only way for these organizations  
22 to enter West Dupont would be to buy an existing

1 license. Restriction based on quantity limits  
2 the supply of licenses and turn the privilege of  
3 selling alcohol into inactive.

4 ANC-2B is concerned with the creation  
5 of a secondary market, a secondary market where  
6 licenses in Adams Morgan in that Moratorium Zone  
7 are sold for up to \$95,000. Retaining these  
8 barriers to entry makes it harder for small local  
9 businesses or owners who value quality over  
10 quantity to open in West Dupont.

11 Creating and maintaining great mixed-  
12 use urban neighborhoods requires excellent  
13 businesses and community amenities for everyone.  
14 Continuing the moratorium's restriction on  
15 quantity of licenses removes our neighborhood's  
16 ability to review the merits of new applications  
17 on a case-by-case basis, which we fear drives  
18 good businesses away.

19 While ANC-2B supports small businesses  
20 and economic development, not all businesses are  
21 appropriate for our mixed-use neighborhood. For  
22 more than 20 years nightclubs have been

1 restricted from opening in our neighborhood.  
2 ANC-2B believes nightclubs are still not  
3 appropriate for West Dupont.

4 Lifting the moratorium in its entirety  
5 would allow nightclubs, which would be disruptive  
6 to the peace, order and quiet of any mixed-use  
7 neighborhood into our neighborhood.

8 Lacking a finer targeted mechanism  
9 prohibiting nightclubs next to residential  
10 buildings, ANC-2B requests an extension of the  
11 moratorium in the same geographic boundary for  
12 nightclub licenses only and to allow the  
13 remaining provisions of the existing moratorium  
14 to expire.

15 ANC-2B understands the divisive nature  
16 of dialogue surrounding moratoria and thanks the  
17 Board for its time and consideration of our  
18 proposal for the neighborhood. Thank you, Board  
19 Members.

20 CHAIR MILLER: Thank you. Unless  
21 others feel differently, I think maybe we should  
22 start with questions for Mr. Warwick, since it is

1 the ANC proposal before we go to the other  
2 witnesses.

3 So do Board Members have any questions  
4 for Mr. Warwick?

5 MEMBER SILVERSTEIN: I have one.

6 CHAIR MILLER: Yes, Mr. Silverstein?

7 MEMBER SILVERSTEIN: Thank you,  
8 Commissioner. Thank you for your service and I  
9 thank all of you who have been involved in this  
10 process.

11 Let's start with your comment that  
12 there are problems in the neighborhood. Can you  
13 expand on that and tell us what they are? I  
14 mean, you know, be a little more specific.

15 MR. WARWICK: Absolutely. In our area  
16 of West Dupont, the businesses are mostly on P  
17 Street between 20th and 22nd Street and there are  
18 two taverns that we refer to as problem taverns.  
19 One of them is Marakesh and one of them is  
20 Fireplace.

21 Marakesh about a month ago was closed  
22 for three days by MPD for an aggravated assault

1 in the tavern. The issues from there were a lot  
2 of, you know, it's right next to a condominium  
3 building and there are people who moved out of  
4 that condominium building based on the noise that  
5 they heard from the music inside and there are  
6 people here who are going to testify based on  
7 that.

8 But some of the bigger issues of  
9 having these two taverns right there are, you  
10 know, when people leave the tavern, they are  
11 drunk. It's late at night. You know, they might  
12 not want to go home already, so they are loud and  
13 boisterous outside where people live, where 1,000  
14 people live and that causes people to wake up at  
15 night and it's not a place where you want to  
16 live.

17 A lot of that issue stems from  
18 enforcement. You know, if there were -- if these  
19 -- if the people leaving the clubs were not  
20 drunk, they probably would not be as loud. If  
21 the Metropolitan Police Department would enforce  
22 noise ordinances proactively, then, you know,

1 maybe -- or have a greater presence, if ABRA  
2 would make sure to enforce noise ordinances  
3 coming from inside the club or make sure that  
4 there are foot patrols on the streets to make  
5 sure that people don't leave garbage in plants,  
6 then the issues with these taverns would, I  
7 think, be ameliorated or go away in its entirety.

8           These are problems that have existed  
9 for longer than I have been involved, for -- I  
10 think longer than Karen has been involved in the  
11 neighborhood and our problems that we live with  
12 in this neighborhood.

13           MEMBER SILVERSTEIN: So you are  
14 saying, it's your testimony that these problems  
15 are enforcement problems and they are not  
16 directly related to what we do or what we have  
17 done regarding a moratorium? It's a problem on  
18 the ground. It's here now and it's not going to  
19 go away no matter what we do regarding the  
20 moratorium.

21           MR. WARWICK: Exactly.

22           MEMBER SILVERSTEIN: It would have --

1 it's an enforcement issue and that's the way that  
2 it must be dealt with. You are separating the  
3 two?

4 MR. WARWICK: Exactly. If you -- if  
5 the Board would like to extend the moratorium in  
6 its entirety, these problems are not going to go  
7 away, because these are existing licenses.

8 And the ANC has worked with these  
9 existing licenses. We have protested an  
10 extension of Marakesh's hours of live  
11 entertainment. In 2008 the neighborhood  
12 protested any renewal of the license and the  
13 Board restricted the hours of live entertainment.

14 These are issues that, you know, with  
15 the moratorium with a restriction on competition,  
16 it could even be worse in the future.

17 MEMBER SILVERSTEIN: You are  
18 suggesting that the cap be lifted on CTs, on  
19 taverns?

20 MR. WARWICK: Yes, sir.

21 MEMBER SILVERSTEIN: Why?

22 MR. WARWICK: Caps should be lifted on

1 CTs just the same as other license classes where  
2 there are existing licenses. Taverns in  
3 particular because -- well, right now, there are  
4 six taverns allowed in the Moratorium Zone.  
5 There are four currently active and one  
6 additional in safekeeping. The one in  
7 safekeeping is Omega and is, to my knowledge,  
8 occupied by a single-family home.

9 And when we have these two problem  
10 taverns, I haven't heard much complaints, or if  
11 any complaints, about another tavern in our area,  
12 Bier Baron, which is right on that same corner as  
13 Fireplace is. So Bier Baron and Phase 1 taverns  
14 that operate are not problem taverns. And we  
15 have two taverns that are problem taverns.

16 But what can make the two problem  
17 taverns go out of business is one way of looking  
18 at it. And one way could be if there was a  
19 better option for people to go to with better  
20 business practices. Another way would be to  
21 protest through the normal protest process that  
22 we will be participating in when these licenses

1       come up for renewal.

2                   MEMBER SILVERSTEIN:   Okay.   I have no  
3       further questions.

4                   CHAIR MILLER:   Others?   I just want to  
5       follow-up on that because sometime we see, you  
6       know, where one option instead of getting rid of  
7       the moratorium altogether say on taverns would be  
8       to, you know, raise the number or something.   And  
9       it sounds to me that your rationale for not  
10      proposing that is, number one, that competition  
11      can drive out the bad ones and that's part of the  
12      problem.   It's not the number, it's the nature of  
13      some of the businesses, right?

14                  MR. WARWICK:   Yes.

15                  CHAIR MILLER:   Okay.   So you are not,  
16      okay, in fear of too many coming because also of  
17      the protest process, you have an opportunity to  
18      address them as they come.

19                  MR. WARWICK:   Yes.   And additionally,  
20      we have had an open tavern license, one or two,  
21      for a long time in our neighborhood in the  
22      Moratorium Zone.   There are forces greater than

1 the weight of the moratorium stopping taverns  
2 from opening in our neighborhood.

3 A lot of it is space availability, a  
4 lot of it is, you know, how people -- businesses  
5 not wanting to come in. Right now, a lot of it  
6 is, you know, the land value is greater if you  
7 build an office building or convert a club into  
8 an office building than to have a tavern there.  
9 So that is another part of it that if we were  
10 over the limit or at the limit, the decision of  
11 the ANC may have been different.

12 CHAIR MILLER: Okay. And also the  
13 issue about the secondary market, like they have  
14 in Adams Morgan with these extortionist prices --

15 MR. WARWICK: Yes.

16 CHAIR MILLER: -- which is something  
17 that the Board doesn't want to encourage either,  
18 you don't have that situation though in Dupont  
19 Circle now. Is that because of what you are  
20 saying is there is not a high demand?

21 MR. WARWICK: Well, we do have that  
22 situation.

1 CHAIR MILLER: You do?

2 MR. WARWICK: A Class A or --

3 CHAIR MILLER: Yes.

4 MR. WARWICK: -- multi-purpose

5 licensee wanted to come to the neighborhood, then  
6 that would be an issues. I also know there was a  
7 falafel place on the corner of 22nd and O that  
8 paid \$25,000 for their liquor license. It turned  
9 out it was a restaurant license and when they  
10 paid that money, then the Board removed the  
11 restriction on restaurant licenses, so they lost  
12 \$25,000. That falafel place is now closed.

13 My guess on part of the reason why it  
14 closed is because they probably couldn't recoup  
15 their up-front costs, which was \$25,000  
16 additional to whatever it would take to open up  
17 the store.

18 CHAIR MILLER: Okay. And finally, I  
19 guess, another point I think is very positive it  
20 seems like Dupont Circle has been very gradually  
21 getting away from the moratorium as opposed to  
22 suddenly. Like every few years you make a

1 modification depending upon -- or a proposal and  
2 depending upon how things are going in the  
3 neighborhood.

4 MR. WARWICK: That has been the  
5 history over the Moratorium Zone and we thank the  
6 Board for taking our considerations under great  
7 weight and usually setting the rulemaking that  
8 aligns with what the ANC suggests.

9 CHAIR MILLER: Okay. Also, I think I  
10 read in my documents, ANC resolution and such,  
11 where there might have been a reference to the  
12 nightclub issue. Did the working group want to  
13 get rid of the moratorium on the nightclub as  
14 well, but the whole ANC did not?

15 MR. WARWICK: So the working group  
16 released a report in April for discussion  
17 purposes and the recommendation of the working  
18 group was to not extend the moratorium, and an  
19 affirmative vote by the ANC denied the  
20 moratorium. As that progressed, more people  
21 commented. There was more public involvement and  
22 it became a situation where I personally, as the

1 commissioner, previously saying end the  
2 moratorium totally, move to a position of we  
3 should keep the moratorium on nightclubs.

4 There are zero nightclubs. The market  
5 forces aren't there because there are no  
6 licenses. So the secondary market isn't there.  
7 There is no market. So that's how it evolved.  
8 Over time it was actually, honestly the idea came  
9 to me and some other commissioners from someone  
10 at the Dupont Circle Farmer's Market, the ANC has  
11 a table there, and constituents can come up and  
12 talk with us and that's where the idea came from  
13 in the month between the ANC's resolution and  
14 when the working group's report was released.

15 CHAIR MILLER: Okay. Thank you. All  
16 right. Yes, Mr. Silverstein?

17 MEMBER SILVERSTEIN: One other point.  
18 You mentioned CXs. We did have the -- you did  
19 present something to us regarding Heurich House.  
20 If you want to talk about that particular  
21 situation and how that plays into this?

22 MR. WARWICK: So Heurich House is on

1 the corner of New Hampshire and between N and O.  
2 There is a side street there.

3 MEMBER SILVERSTEIN: Sunderland.

4 CHAIR MILLER: Okay.

5 MR. WARWICK: Thank you. And Heurich  
6 House is actually outside of the boundaries of  
7 the Moratorium Zone, but when they applied for a  
8 license, they applied for a CX License. And at a  
9 staff level, it was rejected because the -- it  
10 was in -- because it was stated that it was  
11 within the Moratorium Zone. The line is right  
12 there. The line was on the map and it was just,  
13 I think, misread. The map was just misread.

14 But if the Heurich House was across  
15 the street, it would not be able to apply for a  
16 license at all, because it's in the Moratorium  
17 Zone. It's a multi-purpose license. The Heurich  
18 House wanted their license for special events.  
19 Right now, they -- every time they have a special  
20 event there, I think they have -- it's an brewery  
21 mansion, so they sometimes have events with beer  
22 and every time they would do that -- right now,

1        what they do is they apply for a special event  
2        license.  Pay I think \$162 and they do it enough  
3        that they are going to continue the same  
4        practices, but if they had a CX License, it  
5        would, number one, give the ANC the opportunity  
6        to comment, to sign a settlement agreement and  
7        give Board review more than the sign-offs of one  
8        day licenses.

9                    So the Heurich House, because of where  
10       it is, is not affected by the Moratorium Zone,  
11       but if it was across the street or if the Heurich  
12       House wanted to move or another organization  
13       wanted a multi-purpose license and wanted to move  
14       into where this zone is, they could not get a  
15       license at all.  It would be rejected.  Even if  
16       they essentially do the same thing with one day  
17       licenses.

18                    MEMBER SILVERSTEIN:  So for the  
19       purpose of putting on the record, the Heurich  
20       House is also known as The Brew Master's Castle.  
21       It was -- it is a true historic gem in the  
22       neighborhood that was the first fireproof

1 building home built in Washington. It was built  
2 by the gentleman who owned much of Wisconsin  
3 Avenue all the way to the border, who owned  
4 Heurich Brewing Company, which was the last local  
5 brewing company --

6 CHAIR MILLER: Yes.

7 MEMBER SILVERSTEIN: -- in Washington  
8 at the site of the Watergate. He lived to be 102  
9 years-old. It is a true multi-purpose facility.  
10 It is used for weddings. It is used for cultural  
11 events. Everybody in the neighborhood treasures  
12 it. And the limitation on CXs in an Historic  
13 District can be a problem for institutions such  
14 as that.

15 And I would point out to my colleagues  
16 that this entire Moratorium Zone is within an  
17 Historic District.

18 MR. WARWICK: If I may add, that  
19 situation does exist within the Moratorium Zone  
20 right now. The Anderson House is a facility that  
21 is occasionally used for weddings or special  
22 events and they get a one-time liquor license

1 that does not have any ANC review. And when that  
2 happens, as Mr. Padget who is here can attest to,  
3 because the Anderson House is on Massachusetts,  
4 the Dupont West condominium building is on P  
5 Street, they back against each other, without the  
6 review, without a settlement agreement, without  
7 guidelines, strict guidelines on how the noise  
8 that is allowed within this establishment, within  
9 the Anderson House, noise carries and disrupts  
10 the peace, order and quiet of residents of this  
11 condominium building.

12 That's not to say that if the  
13 moratorium were lifted on CX Licenses, the  
14 Anderson House would apply for a liquor -- for a  
15 CX License for their purposes, but it would give  
16 them the opportunity to do so. And with that  
17 opportunity, the ANC could work with neighbors,  
18 could work with the Board to really find a  
19 solution to what our weddings and other events  
20 with liquor that are too loud that are just right  
21 now one day permits.

22 CHAIR MILLER: Right.

1                   MEMBER SILVERSTEIN: And is the  
2 neighborhood where you have multi-mixed-use all  
3 over and people living on top of or directly next  
4 to one another and these types of agreements if  
5 they can be worked on properly and cordially, can  
6 make it possible for everyone to live in these  
7 tight quarters in this exceptional neighborhood  
8 and making accommodations for one another, that  
9 can make it a pleasurable thing. Thank you.

10                   CHAIR MILLER: Okay. Other questions?  
11 All right. Hang in there though. Okay. So we  
12 will now turn to the other table. Do you want to  
13 introduce yourself? Ms. Robinson?

14                   MS. ROBINSON: My name is Karen  
15 Siobhan-Robinson. I have lived at the corner of  
16 22nd --

17                   MEMBER SILVERSTEIN: Yes, move the  
18 mike closer.

19                   MS. ROBINSON: All right. I have  
20 lived at the corner of 22nd and O since 1991. I  
21 have raised my daughter there who will be 17 on  
22 Saturday, so I am a long-time D.C. resident with

1 deep roots in the community.

2 Again, I'm a former ANC Commissioner.  
3 I was also on the working group with this  
4 moratorium and worked on the moratorium, I want  
5 to say, three moratoriums ago, and was one of the  
6 ones who worked to loosen the moratorium when I  
7 was ANC Commissioner.

8 But I want to make it clear I'm here  
9 to testify as a private citizen and not as a  
10 member of the working group.

11 CHAIR MILLER: Yes. Okay. Yes, you  
12 can proceed.

13 MS. ROBINSON: Okay. Thank you.

14 CHAIR MILLER: Okay. Thank you.

15 MS. ROBINSON: It has been a long time  
16 since I have been here.

17 Thank you for allowing me to testify.  
18 I'm actually here to address the concerns of  
19 lifting the moratorium regarding peace, order and  
20 quiet. I always start when I speak about these  
21 things, I live next door to what was Bad Lands  
22 and morphed into Apex.

1           I moved there in 1991 and I want to  
2           make it clear no one else should have to do this,  
3           but for a time I slept in my closet, because it  
4           was so noisy, this was before I had my child.  
5           And no one should have to sleep in a closet due  
6           to noise.

7           But I do want to say that I am  
8           intimately familiar with noise and I'm not just  
9           talking about this as a theoretical for me. So  
10          when I spoke about this as an ANC Commissioner, I  
11          knew exactly what people were talking about when  
12          they complained about noise.

13          Living in the city comes -- noise  
14          comes with living in the city. Noise is part of  
15          living in an urban environment. When we convened  
16          the working group, we had someone come and speak  
17          to us from 18th and N, even though she wasn't  
18          part of the working group, she was very concerned  
19          about the issues we raised. And she came to  
20          explain to us the difficulty with her -- with the  
21          clubs along Connecticut Avenue and she said that  
22          she was considering moving.

1                   And I expressed my deep, deep sympathy  
2 for her with the noise, but what I said was  
3 sadly, I think maybe you should move, because  
4 perhaps an urban environment is not the  
5 appropriate place for her to live. And an urban  
6 environment is not for everyone.

7                   Living at the corner of 22nd and O and  
8 22nd and P comes with noise due to the businesses  
9 that are there. The Bier Baron, the Fireplace,  
10 Apex, Omega, Soho, there is a liquor store,  
11 Marakesh have all been in that area and in that  
12 neighborhood in some form or fashion in their  
13 current -- reflecting their current iterations  
14 for decades. These are not businesses that have  
15 just popped up.

16                   So anyone who chooses to live in that  
17 area understands that these are our neighbors and  
18 the issues that come with living with businesses  
19 in a vibrant urban area.

20                   It is my belief that neighborhoods  
21 should not bend to the whims of a small vocal  
22 minority. Again, urbanistic living is not for

1 everyone. We do not live in a gated community  
2 nor do we live in an area that is out of the way  
3 or place that is difficult to access.

4 The Dupont Circle Metro brings in  
5 many, many different people into our environment.  
6 And those people bring all the things that people  
7 bring. We have tourists. We have two hotels in  
8 the neighborhood. Noise comes with all of that  
9 and that's part of it.

10 There are -- I want to address in  
11 particular, and I'm speaking about this because I  
12 was there when they built this building, there is  
13 a building at the corner of 22nd and O next to a  
14 gas station. I was ANC Commissioner when that  
15 building was converted from offices to  
16 condominiums. And I worked with the developers.  
17 And I said to the developers you are putting a  
18 building in a very, very noisy area.

19 That building is unique because not  
20 only do you have ambulances going out from GW  
21 carrying noise, but because it borders 23rd, you  
22 have ambulances coming in carrying noise. And

1 that building also overlooks the gas station in a  
2 very unique way, which also brings its own unique  
3 noise.

4 When the developers came before the  
5 ANC, I told them I do not want to see the  
6 residents of this building in front of our ANC  
7 after they moved in complaining about noise. I  
8 worked with them. I wanted them to triple-pane  
9 the windows. I really wanted them to take the  
10 appropriate action.

11 At that point, Apex was open, so we  
12 also were concerned about the fact that you are  
13 putting up a new residential building with people  
14 who may not have moved into the neighborhood  
15 knowing that there was a nightclub there. So we  
16 worked with the developer.

17 In spite of that, after the building  
18 opened, I did have members of that community come  
19 to me and they asked to come and speak before the  
20 ANC. And they came and spoke and we listened to  
21 them. And I explained to them about the history  
22 of the neighborhood, the businesses that were

1       there.  And I apologized and I said a very hard  
2       truth.  If peace, order and quiet is that  
3       important to you, perhaps the condominium at the  
4       corner of 22nd and O is not for you and you may  
5       want to look into a condo in downtown Manassas.

6                 And I wasn't being mean.  I was being  
7       perfectly honest.  And if we wanted to keep the  
8       tax dollars, perhaps moving to Chevy Chase is a  
9       better choice.  But choosing to live at the  
10      corner of 22nd and O brings noise.  It brings all  
11      the things that we love.

12                I'll share something that I actually  
13      shared with Daniel earlier and I shared this with  
14      him because recently they lifted the resident-  
15      only parking on our street and I was incensed.  I  
16      wanted my parking back.  And when I ran into  
17      Daniel this morning, he said why didn't you  
18      pursue it?  And I said because I really  
19      ultimately realized I chose to live in a  
20      neighborhood where everyone comes and guess what,  
21      there is no parking.  Suck it up and drive around  
22      and look for a space.

1           So I can't expect the neighborhood to  
2           bend to my whims and my convenience. And it's  
3           not fair to ask the neighborhood to bend to my  
4           whims and my convenience. We see this all over  
5           the city. People move into neighborhoods without  
6           understanding where they are moving and wanting  
7           to change everything and that's not fair to the  
8           neighborhood. It's not fair to the businesses.  
9           And honestly it's not fair to me as a resident,  
10          that's why I moved there.

11           And there is a whole bunch of us that  
12          understand where we moved, we made that choice.  
13          I made the choice to raise a child there. And  
14          yet, we are still there. So that's it. Thank  
15          you.

16           CHAIR MILLER: Thank you. Before I go  
17          to others, I just do want to ask you, so you did  
18          -- you started out sleeping in the closet. What  
19          happened? You're in the same place.

20           MS. ROBINSON: I didn't start out.  
21          No, no, no. I didn't start out sleeping in the  
22          closet. I moved there and I lived --

1 CHAIR MILLER: Yes.

2 MS. ROBINSON: -- there and to age  
3 myself I could sing along with all the Pet Shop  
4 Boys songs, I could hear it that clearly in my  
5 apartment. What ended up happening was -- and  
6 that's kind of -- I didn't even know about the  
7 ANC. Like I was a typical D.C. person, I didn't  
8 know anything.

9 But the noise stopped and what  
10 happened was I hung out at Bad Lands all the  
11 time, because I knew the people who worked there  
12 and they told me they said oh, there have been  
13 complaints. So they moved the speakers on the  
14 second floor, which is where -- which abutted my  
15 building. So they moved the speakers, if anybody  
16 is familiar with that building, from the side  
17 that faced my building, my unit.

18 They didn't move it to the other side,  
19 because that would have bothered people at the  
20 West Park. They moved it to the back unit which  
21 affects the nursing home. So with moving that  
22 noise there, it kind of took the bass down. So I

1 only had to sleep in my closet for a little bit.

2 CHAIR MILLER: Oh, okay. So they  
3 didn't bother the nursing home?

4 MS. ROBINSON: No, because --

5 CHAIR MILLER: They don't hear very  
6 well.

7 MS. ROBINSON: -- and actually I've  
8 never figured that out. It's like maybe they  
9 just don't hear or maybe they are just better  
10 insulated.

11 CHAIR MILLER: All right. Thank you.  
12 Okay. I'm going to defer to the Board Members.  
13 Mr. Short?

14 MEMBER SHORT: Good morning, Ms.  
15 Robinson. I'm very familiar with your community  
16 and kudos to you for being a good resident.

17 Now, what is your testimony about the  
18 moratorium? Are you for lifting it or are you --  
19 I didn't hear you exactly say for the record.

20 MS. ROBINSON: For the record,  
21 honestly, I'm in favor of lifting the moratorium  
22 entirely. I think the market forces would

1 determine any CXs coming in. I believe that from  
2 my -- and let me also say I work for D.C.  
3 Government. I used to work for DCRA. I also  
4 worked for the CFO. And so I'm familiar, I'm  
5 intimately familiar with D.C. Government.

6 And I believe that the mechanisms are  
7 in place. First of all, there is an assumption  
8 that whoever comes in with a CX is going to be a  
9 bad neighbor. And I don't assume that at all.  
10 And as an example, I'll use the Bidducio space,  
11 which is --

12 MEMBER SILVERSTEIN: I'm sorry?

13 MS. ROBINSON: -- now Scion. But that  
14 space was Bidducio for a long time. That  
15 restaurant vacated and another restaurant came  
16 in, which was a bad player. They were terrible.  
17 They went out of business. And now we have  
18 Scion, which is a wonderful, wonderful neighbor.

19 I believe that there is a fear in our  
20 neighborhood. Another example I'll give is 1  
21 Dupont West, are you all -- 1 Dupont West when I  
22 was an ANC Commissioner, there was a small very

1 vocal minority that wanted me to block that  
2 liquor store. And they were incensed with me  
3 because I refused. And I said I am not going to  
4 go before ABRA and tell them that we do not want  
5 a liquor store here who is going to be selling  
6 cheese and high-end wines and have them laugh me  
7 out of there when there was a space for that  
8 liquor store.

9 What I will do is I will go before  
10 ABRA and I will negotiate the best possible  
11 voluntary agreement for this store. This is one  
12 of the top liquor stores in the city now. People  
13 come from all over to go there, because they have  
14 got such a unique selection of liquor.

15 So again, there is this assumption and  
16 fear that a bad player is going to come in and it  
17 might not be a bad player. And if there is a bad  
18 player, we have you, we have ABRA, we have  
19 voluntary agreements, we have the mechanisms to  
20 deal with that.

21 The last thing I'll say about that is  
22 that's the deal with the noise from the

1 establishment. The fact of the matter is living  
2 in a vibrant neighborhood means there is going to  
3 be street noise and you can't mitigate that. And  
4 if that is a problem, you need to move. We can't  
5 mitigate street noise.

6 MEMBER SHORT: Thank you, Madam Chair.  
7 Thank you very much for your testimony.

8 CHAIR MILLER: Okay. Mr. Silverstein?

9 MEMBER SILVERSTEIN: Thank you. Thank  
10 you for coming, Ms. Robinson. In the interest of  
11 full disclosure, we go way back.

12 MS. ROBINSON: Way back.

13 MEMBER SILVERSTEIN: And I can recall  
14 you as being your first term as ANC Commissioner  
15 and you represented the District roughly that the  
16 Commissioner Warwick represents. And your  
17 daughter would come with you and she would sleep  
18 in the corner while you went about your duties as  
19 commissioner. And perhaps you can tell us where  
20 she is right now and update us on Shevaughn.

21 MS. ROBINSON: She would also sit at  
22 the table with me and vote, sometimes against me.

1                   My daughter is now a student at  
2 National Cathedral School. And since Mr.  
3 Silverstein asked, you don't know this, she is  
4 president of her senior class. She will turn 17  
5 on Saturday and she is back at Disney World  
6 celebrating that 17th birthday.

7                   MEMBER SILVERSTEIN: We are very, very  
8 proud of her. I know that you had issues or  
9 whatever with Bad Lands or Apex.

10                  MS. ROBINSON: Oh, yes.

11                  MEMBER SILVERSTEIN: As did other  
12 people. And I would want to put on the record  
13 again how there was one case there of an elderly  
14 woman who wanted to sleep with her windows open  
15 and she couldn't. And the management of Apex or  
16 Bad Lands or whatever it was called at that time,  
17 purchased her an air conditioning, so that in the  
18 summer she didn't have to suffocate in her home  
19 and yet, she was able to sleep. So there are  
20 accommodations that can and must be made.

21                  One thing you didn't mention and this  
22 is really the nub of everything here. Everyone

1 wants the neighborhood to be lively.

2 MS. ROBINSON: Yes.

3 MEMBER SILVERSTEIN: But how do you  
4 make it both lively and liveable? Don't people  
5 have a basic right to be able to go to sleep and  
6 not be awakened from their sleep? Is that a  
7 function of the moratorium? Talk about that part  
8 of it. I mean, they don't -- other people don't  
9 have to sleep in their closets.

10 MS. ROBINSON: Again, I said no one  
11 should have to do that and I can speak about this  
12 and usually I'm rather glib, but you are  
13 absolutely right. And speaking now in my  
14 capacity as a former elected official, yes,  
15 people do have a right to quiet.

16 I have said this before and I have  
17 spoken quite openly about this with elected  
18 officials. I honestly believe that there should  
19 be different standards of peace, order and quiet.  
20 I believe there should -- I believe that the city  
21 -- one of the reasons we are having this problem  
22 is that we have the same standards of peace,

1 order and quiet across the city.

2 One of the ideas I have floated and I  
3 believe would be -- is very workable is that  
4 there should be, I want to call them  
5 Entertainment Zones, but there are certain areas  
6 where people live and you understand that there  
7 is a different standard of peace, order and  
8 quiet.

9 The area around 22nd and O, and I'm  
10 going to talk about that corner, because I think  
11 that is a unique corner because of the businesses  
12 there, and I'll also use Adams Morgan as an  
13 example. The peace, order and quiet in those  
14 neighborhoods and Penn Quarters is not going to  
15 be the same as the peace, order and quiet of a  
16 Cathedral Heights or upper Massachusetts Avenue.

17 That's not reasonable. So really, we  
18 are working with that already, because of zoning.  
19 So I think there has to be -- and for me, I have  
20 said I would want people moving into those  
21 Entertainment Zones to sign something that says  
22 we understand we are moving into an Entertainment

1 Zone. It has different standards of peace, order  
2 and quiet. I think all the real estate agents  
3 ought to be forced to make people sign it, so  
4 that people understand where they are moving.

5 And I will say when I moved into my  
6 neighborhood, I scoped it out. I mean, I went  
7 there during the day. I went there late at  
8 night. I didn't do there late at night on the  
9 right night. I went on a Tuesday forgetting that  
10 the nightclub might not be open, I was like oh,  
11 that noise isn't so bad.

12 But again, I would say that people do  
13 have that right, but conversely, people have a  
14 right to be on the street. And I do not want to  
15 see over-enforcement. And one of the things that  
16 I have spoken about before as an ANC Commissioner  
17 in that neighborhood where people were like,  
18 well, there are people who aren't in this  
19 neighborhood and they are here. Yes, welcome to  
20 the city.

21 And no, we are not going to -- one of  
22 the problems is they tried to move the bus stop.

1 I'll tell you this one. They tried to move the  
2 bus stop outside of the Fireplace to handle the  
3 peace, order and quiet, because what people were  
4 doing was they were congregating at the bus stop  
5 when the police would try to move them, they  
6 would say we are here at the bus stop.

7 They removed the bus stop. We had to  
8 work to have that bus stop put back, primarily  
9 because we are right next to the nursing home.  
10 There is a lot of old people in that neighborhood  
11 and they go to -- that bus goes to Sibley. It's  
12 like we need that bus stop there and we need a  
13 bus stop there that is covered with seats,  
14 because there are so many old people taking that  
15 bus.

16 But we do not live in a policed state.  
17 You can't just stop people because they are on  
18 the street and you can't just stop them and make  
19 them not make noise. What's the balance? That  
20 comes with living in the city.

21 MEMBER SILVERSTEIN: Well, you tell  
22 me, what is the balance? How do you have the one

1 without --

2 MS. ROBINSON: But not the other?

3 MEMBER SILVERSTEIN: -- compromising  
4 sleep and the right of peaceful enjoyment that  
5 the people who have chosen to live in that  
6 neighborhood also deserve? This is --

7 MS. ROBINSON: I think --

8 MEMBER SILVERSTEIN: -- the question.

9 This is the causing question --

10 MS. ROBINSON: -- you guys are facing  
11 all the time, this is the kind of question.

12 MEMBER SILVERSTEIN: -- over America.

13 MS. ROBINSON: And I think it's a  
14 cosmic --

15 MEMBER SILVERSTEIN: North America.

16 MS. ROBINSON: If a cosmic question  
17 had an answer, I would be super rich. But again,  
18 I think police presence is there. I don't think  
19 the police need to be stopping people, but I do  
20 think a police presence is there. And when we  
21 had this problem before, we do ask that -- I know  
22 on 18th Street when the nightclubs let out, there

1 is huge police -- there is a huge police presence  
2 there just to kind of oversee everything.

3 And that has been the way it has been  
4 managed, to my understanding, mostly. And it is  
5 the most effective thing, I believe. And when  
6 there is police, people tend to behave a little  
7 bit. It's kind of like when mom is around, you  
8 behave just a little bit better, maybe not as  
9 noisy as you would be. But I think that is  
10 realistic, especially on Friday and Saturday  
11 nights when people are getting out of the clubs.

12 That said, people getting out of the  
13 clubs on a Friday and Saturday night, I know for  
14 me, in the summer, I just know that on Friday and  
15 Saturday nights, turn the air on and even if I  
16 don't need the air sometimes, I'll turn the air  
17 conditioner on, because I know that on Friday and  
18 Saturday nights the clubs are going to be letting  
19 out. It's just part of it. It really is.

20 MEMBER SILVERSTEIN: All right.

21 MS. ROBINSON: And I should be able to  
22 enjoy peace, order and quiet, but on the other

1 hand, those people should be able to -- if they  
2 come to our -- you know, I know I go to other  
3 neighborhoods and I should be able to leave a  
4 nightclub and not be excessively loud, but to  
5 have conversations.

6 And a lot of the noise that we are  
7 talking about, I have been out late at night, you  
8 are really hearing people talking. They are  
9 talking loud because they are in a group, it's  
10 late. They are talking loud because they have  
11 just been in the nightclub. And a nightclub is  
12 so freaking loud, you can't hear anything, so you  
13 think you are talking like this and you are  
14 talking like this because it's loud.

15 Again, that can't be policed, that's  
16 just part of it.

17 MEMBER SILVERSTEIN: I was out of the  
18 country this weekend and I finally saw what I  
19 have been looking for forever and it is on the  
20 street a block away from the Hilton Hotel in  
21 downtown Toronto. It says University Avenue and  
22 under it on the street sign it says Entertainment

1 Zone.

2 MS. ROBINSON: Yes, that's what I'm  
3 talking about. And also I will be honest with  
4 you, during those fall months when the windows  
5 are open, I sleep with earplugs.

6 MEMBER SILVERSTEIN: You know, that  
7 doesn't help the people who are there, but that  
8 type of warning if someone comes on a Tuesday  
9 afternoon to look at a property or to buy a  
10 place, they will say hum, well, it's quiet now,  
11 but maybe on a Friday or Saturday.

12 MS. ROBINSON: Well, that's why I  
13 believe that --

14 MEMBER SILVERSTEIN: But that doesn't  
15 solve --

16 MS. ROBINSON: -- having an  
17 Entertainment Zone --

18 MEMBER SILVERSTEIN: -- any more than  
19 -- you know, that doesn't solve the problem that  
20 we are here to look at.

21 MS. ROBINSON: I think the problem  
22 also is disclosure. I mean, there has to be an

1 understanding of what -- I think there is a  
2 severe misunderstanding of what urban living  
3 entails. I visit New York a lot and I am amazed  
4 by how much New Yorkers live on top of nightclubs  
5 and restaurants. It's in a way that we just  
6 don't here.

7 And they have issues with noise, but  
8 it's different. But I also think that people are  
9 more realistic about where they are living. And  
10 I think that, in particular, in our area because  
11 of the high prices, because of the, you know,  
12 pollution, it's so much money to live there, but  
13 I don't think they are truly understanding where  
14 they are moving.

15 MEMBER SILVERSTEIN: Thank you. You  
16 and I could have this discussion for an hour and  
17 a half.

18 MS. ROBINSON: Oh, we could.

19 CHAIR MILLER: Yes.

20 MEMBER SILVERSTEIN: And I don't want  
21 to run on any further.

22 CHAIR MILLER: Mr. Rodriguez?

1 MEMBER RODRIGUEZ: Yes. My first home  
2 in D.C. was in Dupont Circle.

3 MS. ROBINSON: Wow.

4 MEMBER RODRIGUEZ: At the Georgetown  
5 House. I guess I'm aging myself a little bit,  
6 but I lived there through the wild 70s.

7 MS. ROBINSON: Oh, I have heard the  
8 stories.

9 MEMBER RODRIGUEZ: And I didn't find  
10 it as noisy at that time, maybe it's because I  
11 was probably making some of the noise myself.  
12 But the fact is that, you know, there have been  
13 some changes and I wanted to ask you about that.

14 MS. ROBINSON: Sure.

15 MEMBER RODRIGUEZ: For example, I  
16 lived at the Bristol House.

17 MS. ROBINSON: Yes.

18 MEMBER RODRIGUEZ: And then the  
19 Georgetown, which what I want to ask you about is  
20 in terms of noise and all that is the hotel.

21 MS. ROBINSON: Yes.

22 MEMBER RODRIGUEZ: Now, the Georgetown

1 House became a hotel.

2 MS. ROBINSON: Yes.

3 MEMBER RODRIGUEZ: What role is that  
4 hotel playing in terms of noise and all that or  
5 is it impacting the hotel? I haven't heard  
6 anything yet about that.

7 MS. ROBINSON: Well, this is -- I was  
8 there when they converted -- when the Palomar  
9 became a hotel.

10 MEMBER RODRIGUEZ: Right.

11 MS. ROBINSON: And then when they took  
12 our beautiful little parking lot away and it  
13 became the Residence Inn Hotel, the Marriott. So  
14 we don't just have one hotel. We have two  
15 hotels. And to my knowledge, there are not  
16 complaints about the noise because it's a hotel.  
17 Hotels understand they are building in dense  
18 areas and they have appropriate soundproofing.

19 MEMBER RODRIGUEZ: Yes.

20 MS. ROBINSON: Which is what I told  
21 the folks at Dunbarton ahead of time, proper  
22 soundproofing. You need to triple-pane those

1 windows and they are taking easy price cuts out  
2 and that's why, I believe, that unique space is  
3 having those unique problems.

4 Those hotels I have never heard a  
5 complaint from the hotel as an ANC Commissioner.  
6 I don't know of any -- I have never heard  
7 anything. And in terms of impacting the  
8 neighborhood, you know, the only impact -- I  
9 don't know whether those people are going to the  
10 -- I don't know who goes to the places that make  
11 the noise. I don't know, but there is no noise  
12 in the hotels associated with that.

13 MEMBER RODRIGUEZ: Thank you.

14 MR. WARWICK: Madam Chair?

15 CHAIR MILLER: Sure.

16 MR. WARWICK: There are complaints  
17 about the hotels, but none that are liquor  
18 license hotels.

19 CHAIR MILLER: Okay. Thank you.  
20 Others? I just wanted to ask you you seem to  
21 indicate that you are in favor of lifting the  
22 moratorium with respect to nightclubs as well?

1 MS. ROBINSON: Oh, I'm in favor of the  
2 entire -- of ending the moratorium.

3 CHAIR MILLER: Why -- okay. So that's  
4 different from the ANC proposal. So why do you  
5 support that?

6 MS. ROBINSON: Because I believe the,  
7 again, mechanisms are in place. The moratorium  
8 is there with the assumption that whoever comes  
9 in is going to be a bad player. I believe that  
10 if we operate under the -- and I believe the  
11 moratorium much like Daniel said, I believe it  
12 restricts businesses on, in particular, that  
13 strip of West Dupont.

14 West Dupont between the 22nd and 20th  
15 Street should be much more vibrant than it is. I  
16 believe that strip has the potential to be such  
17 an amazing restaurant row. Walking up and down  
18 14th Street I question why aren't these  
19 restaurants on P Street? It's a cute little  
20 neighborhood. It's very concentrated.

21 For me, there are a number of reasons  
22 why something would go in there and I will also

1 say why is Le Pain Quotidien on the corner?  
2 Because they are the only ones that can afford  
3 it. And because of that moratorium, with pricing  
4 out smaller businesses that could afford to come  
5 in with a much smaller, much more neighborhood-  
6 focused model that would really serve the  
7 neighborhood, we are choking those businesses out  
8 because it costs so much to come in.

9 And I believe that there are  
10 mechanisms are in place if we were to have bad  
11 players. Now, again, understand I'm talking  
12 about noise and issues related to what ABRA  
13 oversees and I'm not talking about the things  
14 that come with urban living, such as street noise  
15 and excessive park -- people coming in and  
16 parking and all that kind of stuff.

17 I'm talking about appropriate liquor  
18 license, appropriate soundproofing, which the ANC  
19 works with the VA to make sure that there is  
20 soundproofing, those sorts of things.

21 CHAIR MILLER: I get --

22 MS. ROBINSON: And we can manage that.

1 CHAIR MILLER: Right. I hear all  
2 that. I just was wondering why you don't see  
3 nightclubs as being any different from the other  
4 types of establishments.

5 MS. ROBINSON: Because to be --  
6 because looking at the Moratorium Zone --

7 CHAIR MILLER: Yes.

8 MS. ROBINSON: -- there is a space for  
9 nightclubs. There is no property within the  
10 Moratorium Zone that would make sense for anyone  
11 to bring in a large nightclub where they can make  
12 money.

13 CHAIR MILLER: So you are saying they  
14 are not going to come anyway, so it doesn't  
15 matter?

16 MEMBER SILVERSTEIN: Cafe Japone?

17 MS. ROBINSON: Hum?

18 MEMBER SILVERSTEIN: Do you know Cafe  
19 Japone?

20 MS. ROBINSON: Yes. I have to be  
21 honest, I have wrestled with that question. In  
22 particular, the space that -- the old Cafe Japone

1 space. I don't think -- I honestly do not  
2 believe a nightclub would go in there. There is  
3 no market forces that make it viable, which is  
4 why when the working group suggested to the --  
5 when the change is made to have the CN banned  
6 stay there, I was like okay, I can live with  
7 that.

8 But I think the moratorium has  
9 outlived its usefulness. I really do.

10 CHAIR MILLER: Okay.

11 MS. ROBINSON: And old Cafe Japone  
12 space, let's say a nightclub does go in there, we  
13 have mechanisms to control it.

14 CHAIR MILLER: Okay. Thank you. Any  
15 other questions before we go to our other  
16 witness? Okay. Mr. Pellegrini?

17 MR. PELLEGRINI: Yes. Thank you.

18 CHAIR MILLER: And then you can  
19 respond later. Okay.

20 MR. PELLEGRINI: Yes, good morning and  
21 thanks. My name is Alan Pellegrini. I'm a  
22 homeowner at Dunbarton Place, that has been

1 referred to a few times here. I also represent--

2 CHAIR MILLER: Could you tell us the  
3 address of that?

4 MR. PELLEGRINI: Yes. 1414 22nd  
5 Street.

6 CHAIR MILLER: Okay.

7 MR. PELLEGRINI: It is between O and  
8 P on 22nd Street.

9 CHAIR MILLER: Okay.

10 MR. PELLEGRINI: Okay.

11 CHAIR MILLER: Continue.

12 MR. PELLEGRINI: There is about 36  
13 residents in that building and I'm here  
14 representing the owners and the renters in that  
15 building.

16 I would like to offer, you know, a  
17 couple of perspectives today specific on the  
18 moratorium issue. One is our perspective as  
19 homeowners on the matter. And then some comments  
20 relative to ANC-2B's resolution. Okay.

21 CHAIR MILLER: Yes.

22 MR. PELLEGRINI: And perhaps a

1 recommendation at the end that may be an  
2 interesting compromise.

3 For a little context, we, I would say,  
4 relatively recently within the last year kind of  
5 organized at least in my building and with some  
6 of the other community or other building owners  
7 in the West Dupont area, we try to be active with  
8 the ANC with Daniel's assistance, we appreciate  
9 that, also with the MPD recognizing that some of  
10 these issues we are talking about are, in fact,  
11 enforcement issues and engaging with the MPD in a  
12 productive way is an essential element of this.

13 But this issue is very, very important  
14 to us and I would like to state up front that I  
15 am kind of, you know, going against two very  
16 articulate commissioners here, so I'll do my best  
17 to hold our own here.

18 But we are only against really one  
19 very specific area and that is with regard to  
20 lifting the moratorium on the taverns.  
21 Specifically, there are many things that Daniel  
22 read in the resolution that we would completely

1 agree on and many comments made by Ms. Robinson  
2 that we would completely agree with as well.

3 We love living in a vibrant  
4 neighborhood, but with respect to the taverns we  
5 have a different view and I would like to expand  
6 on that, if I could.

7 In the resolution, you know, the ANC  
8 acknowledged that there is significant disorderly  
9 behavior that is emanating primarily from the  
10 existing taverns. Although stated, we do think  
11 it is a bit understated. I would like to give  
12 you our experience. It is not so much that the  
13 noise within. We don't have any issue with that.

14 It's a place of entertainment within  
15 the few taverns that are local to us. It's the  
16 congregation of patrons when they leave the  
17 building. There was reference to the parking  
18 that goes on on the adjacent streets, 22nd and  
19 23rd. are places where patrons of these taverns  
20 park and no issue with the parking, of course.

21 But there is a lot of congregation in  
22 the wee hours of the morning and there is

1 continued drinking that goes on both in and  
2 outside of these vehicles. We can see it from  
3 our windows. And yes, they become very --  
4 extremely loud and disorderly. And I would  
5 suggest more than just the normal noise that any  
6 of us who have lived in cities before would  
7 expect to have.

8 I have spent a lot of time in cities  
9 like New York, that you have referenced, we  
10 expect to have and because it's beyond noise,  
11 it's disorderly. And yes, we are woken nightly  
12 by that.

13 We have, those of us, taken the first  
14 step of trying to ask people to quiet down when  
15 we experience that. We are typically met with  
16 verbal abuse. I can appreciate these people are  
17 drunk. I have been drunk before. I understand  
18 how one could get. But when you hear that  
19 nightly, it's alarming, frankly.

20 We occasionally take the opportunity  
21 to call the police and I do think MPD tries.  
22 They try to be responsive. When we hear the

1 sirens, they come to the establishments. Of  
2 course, people usually stop drunk and disorderly  
3 behavior when they see a police car rolling up  
4 with their sirens on. So by definition, it is  
5 very hard for them to enforce on the spot some of  
6 the behavior that is creating the issue.

7 You know, another part of the problem  
8 is we wake up in the following days and, you  
9 know, it's not just what happened the night  
10 before. You wake up to garbage all over the  
11 place. We woke up to broken alcohol bottles. We  
12 wake up to condoms thrown in the park behind us  
13 and in our common areas, our planters and stuff.  
14 So many of us spend parts of our weekends  
15 cleaning up after what has gone on on the  
16 streets.

17 And probably most importantly, there  
18 is a safety issue. We are not trying to outlaw  
19 noise, but I would hope that you wouldn't think  
20 that drunk driving should be something that has  
21 various levels of standards, whether you are in  
22 an Entertainment Zone or not. I certainly don't.

1 And we worry about that for the neighborhood in  
2 general, not just ourselves.

3 So it's not the routine noise of a  
4 city that we have any concerns about. All of us  
5 in that building have spent a lot of time in  
6 cities and that's why we bought this above and  
7 beyond issues that are being facilitated by the  
8 current local taverns that exist.

9 So in our opinion, the situation with  
10 the existing taverns is not yet under control,  
11 despite engagement with MPD. I haven't  
12 personally engaged with ABRA, your enforcement  
13 arm, but we do think the owners, proprietors of  
14 these establishments have a degree of  
15 accountability and I think that has been  
16 acknowledged in the settlement agreements that  
17 have been in place.

18 I don't know if they are with all of  
19 the taverns in the area, but certainly with some  
20 that we know about, where they have agreed to a  
21 relatively long list of conditions to try to help  
22 mitigate the situation I just referred to.

1           It is our opinion that they are not  
2           adhering to the rules that are, in fact,  
3           documented in those settlement agreements. And  
4           in fact, we appreciate that enforcement by ABRA  
5           is very difficult. We sympathize with that and,  
6           you know, ultimately we want to work to try to  
7           help that.

8           And as I mentioned earlier, we do  
9           believe that MPD tries. We have met with  
10          Commander Gresham. We will have him host it at  
11          our board meeting later or next week to talk  
12          further and he certainly has made commitments to  
13          try to do a little bit more patrolling and what  
14          they can within their means to try to help  
15          enforce laws.

16          We are not acting -- we are not asking  
17          for people to stop being entertained. We are  
18          saying let's enforce the laws that exist on drunk  
19          and disorderly behavior. Those are still laws.

20          Though we recognize is a difficult  
21          problem, but we do believe the catalyst of these  
22          current issues are the existing taverns that are

1 in place. And as a result, we really don't see  
2 the logic when compounding an already challenged  
3 situation by lifting the moratorium on the -- on  
4 taverns. We don't see a consistency in that  
5 logic.

6 As Daniel mentioned, there is already  
7 two licenses that are still available. So, in  
8 fact, if somebody wants to make an investment in  
9 a tavern, they are not subject to the  
10 extortionist rates or other things that have been  
11 talked about economically. They can, in fact,  
12 make that happen.

13 We also, as I mentioned earlier, have  
14 no issue with more restaurants. An example is  
15 Scion and others that have -- that are excellent  
16 establishments in the area and we love that. We  
17 would love to have a restaurant row, that has  
18 been referred to. We think all of that is very  
19 good and that's why we support the lifting of the  
20 moratorium on those types of establishment,  
21 including the multi-purpose establishments that  
22 have been talked about by Mr. Silverstein.

1           I want to make a note relative to the  
2 ANC's resolution and with much respect to ANC-2B  
3 and to Daniel, we are concerned that it is not  
4 necessarily representative of the population in  
5 the community. I believe there was good intent  
6 by ANC to try to seek comments and guidance from  
7 the community, but it was not mentioned in the  
8 testimony, but the numbers we have seen suggest  
9 that there were 14 respondents.

10           And of those 14, 8, in fact a clear  
11 majority, were in favor of extending the  
12 moratorium. So to characterize the result as the  
13 ANC has as mixed and representative, we just  
14 don't think it's necessarily accurate. We would  
15 -- I think the outreach program with good  
16 intention probably failed. It didn't reach  
17 enough people to really be representative --  
18 represented.

19           We also have to -- you know, I guess  
20 we would offer some comments regarding the  
21 economic arguments that have been made here  
22 today. You know, we believe that the vitality of

1 the neighborhood it's not just based on the  
2 number of taverns that may go up and pay taxes,  
3 it's going to be based on the number of people  
4 living in that neighborhood that are out every  
5 evening, like ourselves, who are spending money,  
6 not just in restaurants and bars or multi-purpose  
7 establishments, but in the dry cleaners, in the  
8 corner stores and all the things that go on in  
9 day-to-day living in the city.

10 And as Daniel himself testified, we  
11 are now starting to see people reconsider their  
12 choices of living in the city in that immediate  
13 area and making decisions to move out. And that  
14 cannot possibly be a good trend overall  
15 economically for the collective establishments,  
16 especially the restaurants that are in the  
17 neighborhood.

18 And finally with regard to this  
19 concept of tavern versus nightclub, because ANC  
20 does recommend that we maintain, that you voted  
21 to maintain the moratorium on nightclubs.

22 As I understand it, the only

1 difference between a tavern and a nightclub  
2 really is the amount of space associated with the  
3 entertainment area. They can still be entirely  
4 revenue-based on alcohol and they can still have  
5 substantive entertainment space within a tavern.

6 So we are really talking about a  
7 nuance, I would say, and, in fact, I believe in  
8 Ms. Robinson's testimony she interchanged the  
9 concept of a nightclub on tavern in the  
10 description. And, in fact, at a recent hearing  
11 regarding the Marakesh, the owner on multiple  
12 occasions referred to his establishment as a  
13 nightclub, even though he technically operates a  
14 tavern.

15 So my point there is is that there is  
16 a distinction between tavern and nightclub that  
17 seems pretty ambiguous and, therefore,  
18 inconsistent to say let's lift the moratorium on  
19 taverns, but let's keep the moratorium on  
20 nightclubs. They are effectively the same thing.

21 I want to conclude just by suggesting  
22 a pragmatic way forward here. We do agree with

1 the testimony of Daniel and Ms. Robinson relative  
2 to lifting the moratorium on certain  
3 establishments, the multi-purpose, the  
4 restaurants, and I apologize if I'm not getting  
5 all of the vernacular correct here, we fully  
6 support that.

7 There are two opportunities for  
8 licenses for taverns, so we are not restricting--  
9 by maintaining the moratorium on taverns, you are  
10 not in any way restricting a business owner from  
11 coming in and establishing a tavern.

12 What we suggest is let's use this  
13 extension on the moratorium on taverns over the  
14 next few years to continue to work together.  
15 Homeowners in the area, the ANC, other community  
16 groups, with the MPD, with ABC and ABRA to try to  
17 get the current tavern establishments more under  
18 control and to minimize or mitigate the illegal  
19 behavior that is taking place that those  
20 establishments are catalyzing.

21 So we think it is a win-win for all  
22 involved and it seems like a prudent, incremental

1 step. And it has been talked about today that  
2 over time, ABC has taken incremental steps with  
3 the endorsement of ANC to lift moratoriums where  
4 it makes sense.

5 So why go for the big bang lift today?  
6 Let's do it incrementally on certain  
7 establishments, maintain it on taverns, because  
8 we know we still have an issue. Let's work  
9 collaboratively to address the problem and let's  
10 get back together in a few years, hopefully, with  
11 a situation well under control, a community very  
12 supportive overall and then we can talk about  
13 lifting the moratorium on taverns, at that point.

14 Thank you very much.

15 CHAIR MILLER: Thank you. Questions?  
16 Mr. Short?

17 MEMBER SHORT: Good morning, Mr.  
18 Pellegrini.

19 MR. PELLEGRINI: Hello.

20 MEMBER SHORT: Is your testimony,  
21 basically, to lift the moratorium? And if so,  
22 explain again. And secondly, just to another

1 question. What -- you can answer this one first.  
2 What was that vote at the ANC for the extension  
3 or not extending the moratorium?

4 MR. PELLEGRINI: I'll answer that, but  
5 I'm sure Daniel can correct me. I think there  
6 was a survey that had 14 respondents of which 8  
7 of which had suggested an extension of the  
8 moratorium on all the establishments. Six of  
9 which did not, but I'll let you correct that.

10 MR. WARWICK: So the working group  
11 received 14 responses on the on-line  
12 questionnaire. There were four members of the  
13 working group of which I was a member, two of the  
14 members of the working group by the end of the  
15 process were opposed to any extension of the  
16 moratorium if we were to include their comments  
17 in the quantity, I guess it would be 8 to 8, but  
18 that was the working group.

19 After the working group process, the  
20 working group and the ANC voted, had a public  
21 hearing on April 27 to hear more comments and  
22 then had a meeting to write to -- to vote on the

1 resolution, that was presented to you, that  
2 initiated the rulemaking process in May.

3 So it was really an iterative process  
4 over time and the ANC -- well, the ANC only  
5 informally held a position on May 13th and  
6 discussion around the recommendation changed over  
7 time to what you have.

8 MEMBER SHORT: So the vote was? The  
9 ANC vote.

10 MR. WARWICK: The ANC vote was a 4-2-1  
11 vote to send the resolution, which initiated the  
12 rulemaking process, which is an extension of the  
13 moratorium in the same geographic region for  
14 three years while excluding all classes of  
15 licenses, other than nightclub licenses, which  
16 could be characterized as a lifting of the  
17 moratorium on everything other than nightclubs.

18 It is a difference of semantics no  
19 matter which way you prefer to phrase the  
20 recommendation. I believe the legal way is an  
21 extension with a lifting on everything but  
22 nightclubs.

1 MEMBER SHORT: Thank you.

2 MR. WARWICK: Yes.

3 MR. PELLEGRINI: So, Mr. Short, just  
4 to answer your first question and I apologize if  
5 I wasn't clear in my testimony about a  
6 recommended position, but a recommendation would  
7 be to extend the moratorium on nightclubs and  
8 taverns, specifically, and to lift the moratorium  
9 on the other establishments, which I understand  
10 to basically equate to restaurants, off-premises  
11 distribution of alcohol and multi-purpose  
12 facilities, I think. Again, I'm not the  
13 technical expert.

14 MEMBER SHORT: Thank you very much.  
15 Thank you, Madam Chair.

16 CHAIR MILLER: Mr. Rodriguez?

17 MEMBER RODRIGUEZ: Yes. Mr. Warwick,  
18 you indicated that you got 14 responses on the  
19 survey. I want to be clear. Did this survey go  
20 to the general public?

21 MR. WARWICK: Yes, sir. It was a  
22 Google Doc that was emailed around the

1 neighborhood that was announced publicly in  
2 public forums, that was put on the ANC's agenda  
3 for at least two months. It was a public survey  
4 for neighbors.

5 MEMBER RODRIGUEZ: All right.

6 MR. WARWICK: And if the Board would  
7 like, I can send a copy of the responses, but  
8 again, it was an iterative process that certainly  
9 closed it off.

10 MEMBER RODRIGUEZ: So that was only 14  
11 responses?

12 MR. WARWICK: Correct. And we held  
13 three public meetings of which three members of  
14 the public attended.

15 MEMBER RODRIGUEZ: Wow. Okay. Thank  
16 you.

17 MR. WARWICK: Which in full disclosure  
18 could be perceived as a failure on the ANC's  
19 part. It could also be indicative of the  
20 neighborhood sentiment. It just depends on how  
21 you would like it to --

22 CHAIR MILLER: What's the last thing

1       you said?

2                   MR. WARWICK: In full disclosure, in  
3 honesty, that the response rate could be seen as  
4 a failure of the ANC and myself as the chair of  
5 the working group for public outreach or it could  
6 be seen as indicative of the public sentiment  
7 regarding, you know, the moratorium. We did not  
8 have turnout to our meetings like they had for  
9 the U Street or Adams Morgan Moratorium.

10                   MS. ROBINSON: May I add something?

11                   CHAIR MILLER: Sure.

12                   MS. ROBINSON: I was a member of the  
13 working group and having done this before, my --  
14 and when we talk about the -- I speak about the  
15 residents rather than the homeowners, because  
16 there are a lot of residents in that  
17 neighborhood. And my sense was that when there  
18 is a problem, like people show up, I don't think  
19 this is a lightning rod issue any more, so it's  
20 not something where we had a lot of interest as  
21 we did. It drew a lot more interest when I was  
22 an ANC Commissioner.

1           And it was also in The Current and The  
2 Current tends to pull -- once an article appears  
3 there, you tend to see an uptick and people are  
4 getting involved and we didn't see that this  
5 time. So I just wanted to add that.

6           CHAIR MILLER: I'm just curious, did  
7 you do an on-line survey on another issue where  
8 you got a big response?

9           MR. WARWICK: Not to my knowledge.  
10 This is my first term as a Commissioner. This  
11 was the first on-line survey the ANC did in this  
12 format this year.

13          CHAIR MILLER: Okay.

14          MR. PELLEGRINI: Yes, and I would just  
15 comment, since the others have, that with respect  
16 to them both, that I think we are purely  
17 speculating if we assume that the lack of  
18 response was just due to somehow a lack of  
19 concern and the fact that it's not an important  
20 issue. I think it is speculation. I think we  
21 don't know.

22          CHAIR MILLER: Can I ask you how you

1 got notice?

2 MR. PELLEGRINI: I did -- I personally  
3 did not know of the survey. We have been in  
4 regular contact with Daniel primarily and the ANC  
5 and, in fact, he was good enough to refer us to  
6 this particular hearing for us to get engaged.

7 CHAIR MILLER: Yes.

8 MR. PELLEGRINI: I can only talk of a  
9 personal experience, but I don't think it is -- I  
10 think it is fairly representative. I mean, we  
11 are professionals. Most people live in the area.  
12 We work long hours. We travel a lot. I travel  
13 about 50 percent of my time abroad and  
14 domestically and our days are consumed.

15 So we are not always in touch or  
16 reading the newspapers.

17 MEMBER SILVERSTEIN: Yes.

18 MR. PELLEGRINI: And you know, we  
19 would like to be -- you know, we are more  
20 formally engaged now with the ANC and the MPD  
21 because of that, because we know we need to be  
22 active if we want to be heard. So the comments

1 are fair, but I just think however you slice it,  
2 14 out of maybe 10,000 or so residents represents  
3 less than .1 percent or so of the population.  
4 It's hard to reach, in my opinion at least, broad  
5 conclusions such as this.

6 And in fact, if you did look at those  
7 14, 8 of the 14 were in favor of extending the  
8 moratorium. So if you want to reach a conclusion  
9 based on 14 votes, it would have been more on the  
10 -- it would have been more along the lines of  
11 extending and not to eliminate.

12 And again our position, we are not  
13 black and white in this particular situation. It  
14 really is with respect to the tavern where we  
15 have the problem, where we ask for more time to  
16 address that issue. There are licenses out there  
17 if more tavern owners want to move in. As  
18 indicated, there are space issues that could  
19 perhaps prohibit it.

20 Let's isolate the issues, let's  
21 mutually deal with it, let's address that part of  
22 it in the future. Let's open up licenses for

1 other establishments, restaurants and others that  
2 do bring a vibrancy to the neighborhood, which is  
3 the reason we are all here.

4 CHAIR MILLER: Okay. I think we have  
5 heard about where your building is located.

6 MR. PELLEGRINI: Yes.

7 CHAIR MILLER: And you are in a  
8 position where you do get the brunt it sounds  
9 like of a lot of the noise. Are you aware of  
10 others other than your building that are  
11 concerned about lifting the moratorium on  
12 taverns?

13 MR. PELLEGRINI: Yes. And obviously,  
14 I won't speak on their behalf, but we have been  
15 active with, forgive me if I don't get the  
16 building name correct, but I believe there is a  
17 building called West Park. Is that right,  
18 Daniel? That is next door to the --

19 MR. WARWICK: West Park towards Dupont  
20 West.

21 MR. PELLEGRINI: Dupont West, yes.

22 CHAIR MILLER: Okay. The same area?

1 MR. PELLEGRINI: They are on P, in  
2 fact, so I would say if you are talking about in  
3 the line of fire of the taverns, they are closer  
4 than we are. And to be fair, the concern that we  
5 have is mainly with respect to the fact that  
6 because of the parking situation that has been  
7 talked about, it is the congregation of people  
8 that leave the taverns in the middle of the night  
9 and continue their partying in that place.

10 And again, to us that is more than  
11 routine noise. And what they leave and discard  
12 in terms of broken bottles and other things is  
13 really the problem, not the fact that people are  
14 walking back to cars, getting in them and turning  
15 them on and leaving, that's normal noise you  
16 would certainly expect, or to say good bye or  
17 whatever they are doing.

18 CHAIR MILLER: Are all the four  
19 taverns on P Street as well?

20 MR. PELLEGRINI: Well, the taverns  
21 that -- you know, no the taverns that we are  
22 familiar with that I would say are concerning us

1 are primarily the Fireplace and the Marakesh.

2 CHAIR MILLER: Right. 22nd and P?

3 MR. PELLEGRINI: I guess the --

4 CHAIR MILLER: 22nd?

5 MR. PELLEGRINI: They are 22nd and P.

6 MS. ROBINSON: They are --

7 MR. PELLEGRINI: Primarily, yes.

8 MS. ROBINSON: -- right next to each  
9 other at 22nd and P. And then a few storefronts  
10 down, it was on Marakesh.

11 CHAIR MILLER: Right.

12 MS. ROBINSON: I would say that one of  
13 my concerns and I get pretty frank about  
14 expressing this the entire time.

15 CHAIR MILLER: Yes.

16 MS. ROBINSON: The difference in the  
17 demographic makeup for the people who go to those  
18 taverns and the surrounding neighborhood and also  
19 my concern about over-policing. I'm speaking now  
20 purely as a women of color --

21 CHAIR MILLER: Yes.

22 MS. ROBINSON: -- it is not illegal to

1 hang out on the street --

2 CHAIR MILLER: Yes.

3 MS. ROBINSON: -- after you leave a  
4 club and to sit and talk with your friends. It's  
5 a public sidewalk. You can stay there all night  
6 if you want. I only say that because I walk a  
7 fine line with that and I get really, really  
8 concerned about over-policing.

9 So that is why --

10 CHAIR MILLER: Right.

11 MS. ROBINSON: -- I kind of teeter-  
12 totter, but I just want to put that on the table  
13 as a concern.

14 CHAIR MILLER: Okay. No, I'm just  
15 trying to get a feel for the --

16 MR. WARWICK: May I --

17 CHAIR MILLER: -- this issue, it just  
18 sounds like I don't know how -- you know, the  
19 area is bigger than 22nd and P.

20 MR. WARWICK: Can I get --

21 CHAIR MILLER: It seems like  
22 everything is right there where that problem is.

1 MS. ROBINSON: Everything is right  
2 there. And what is happening is, the reason this  
3 building is getting the brunt of it is because  
4 they are literally surrounded by the parking and  
5 because the parking in the neighborhood is being  
6 compromised --

7 CHAIR MILLER: Right.

8 MS. ROBINSON: -- most people are  
9 going to park on 23rd. Most people are going to  
10 park on 22nd. So the front and the back of their  
11 building. Their building is also where people  
12 are going to walk by, so that building is really  
13 the bullseye of the -- and when you talk about  
14 the establishments and noise emanating from the  
15 establishments, they are probably not going to  
16 get any of that. They really are getting the  
17 brunt of the post-people leaving there.

18 CHAIR MILLER: Okay. Wait, Mr.  
19 Warwick wanted to --

20 MR. WARWICK: Just to clarify about  
21 the location, the Fireplace is at the corner. It  
22 has a fireplace on the corner.

1 CHAIR MILLER: Right.

2 MR. WARWICK: So it's called The  
3 Fireplace.

4 CHAIR MILLER: I know where it is.

5 MR. WARWICK: On 22nd and P. Marakesh  
6 is three or four storefronts down. The Bier  
7 Baron is located a couple storefronts north of  
8 Fireplace on 22nd Street.

9 CHAIR MILLER: Right.

10 MR. WARWICK: And Phase 1, Apex, Bad  
11 Lands is located a couple storefronts south.

12 MS. ROBINSON: Directly across the  
13 street from Dunbarton.

14 MR. WARWICK: Directly across the  
15 street from Dunbarton Place and directly next  
16 door to The Augusta where Ms. Robinson and I  
17 live. So when -- and correct me if I'm wrong,  
18 what I heard testimony while I have been working  
19 with Dunbarton Place about is Fireplace and  
20 Marakesh, not the amalgamation of all Bier Baron,  
21 Phase 1 and Fireplace.

22 CHAIR MILLER: Yes.

1 MR. WARWICK: And Marakesh.

2 MR. PELLEGRINI: Yes. And I'll  
3 reinforce that. The two taverns of concern at  
4 the -- that seem to be evident and the most at  
5 issue are those two. But I do want to respond  
6 the comment regarding demographics that are  
7 raised.

8 I respect your view. I clearly do,  
9 but I don't want it to be misconstrued that this  
10 in any way is an issue of diversity or race,  
11 that's not the matter at all. This is a matter  
12 of breaking laws and not breaking laws out in  
13 front of where we live.

14 And a set of taverns that seems to be  
15 the catalyst for this issue and a desire to want  
16 to mutually address it, that's all it is. We all  
17 moved into Dupont Circle because of the diversity  
18 that exists there.

19 CHAIR MILLER: Okay. So we don't need  
20 to go down that road too far. I mean, we are  
21 really looking at moratorium questions, you know,  
22 as a tool --

1 MR. PELLEGRINI: Okay.

2 CHAIR MILLER: -- for these issues.

3 Others? Yes, Mr. Silverstein?

4 MEMBER ALBERTI: Yes, Mr. Silverstein,  
5 go ahead.

6 MEMBER SILVERSTEIN: Thank you. Thank  
7 you for coming, Mr. Pellegrini. Thank you for  
8 your testimony and for your involvement in the  
9 neighborhood.

10 There are two things that are going to  
11 happen out of this hearing. One of which is we  
12 are going to decide to move forward one way or  
13 another on the moratorium. And the other is that  
14 we can gain a better understanding of the  
15 situation on the ground in your neighborhood, in  
16 your part of the neighborhood and use that as we  
17 move forward on other issues.

18 And so my questions may not be  
19 entirely focused on the moratorium. The problems  
20 it seems that you are talking about are problems  
21 late at night dealing with issues of being able  
22 to just get to sleep and also the issues of what

1 might happen the next morning if no one wants to  
2 step on broken glass and you are out walking your  
3 dog, that type of thing or other things that you  
4 may find.

5 Is homelessness contributing to this?  
6 I mean, you know, are there issues extraneous  
7 beyond? Is Z Burger, for example, a restaurant  
8 that is open late that -- where people might hang  
9 out? Is the bus stop -- are there other things  
10 beyond the operations of the taverns that we have  
11 to look at that are making these problems worse  
12 or making these problems more complicated?

13 MR. PELLEGRINI: Well --

14 MEMBER SILVERSTEIN: And I'm not  
15 looking to pass the buck. I'm just trying --

16 MR. PELLEGRINI: No, no.

17 MEMBER SILVERSTEIN: -- to understand  
18 the totality of it.

19 MR. PELLEGRINI: I think I understand.  
20 That's a good question. I would just add before  
21 answering though that I think safety is also a  
22 concern in addition to noise and glass and other

1 things.

2 But that said, you know, certainly  
3 there are some homelessness in the neighborhood  
4 and clearly homelessness is a problem on the  
5 community. I don't want to see anybody homeless  
6 for sure. And many of us try to take steps to  
7 help the homeless where we can.

8 In my own opinion, I don't see that as  
9 an issue that is compounding or adding to the  
10 very specific issues that are emanating from the  
11 tavern, that's my opinion that homelessness  
12 exists. It doesn't seem terribly extant in that  
13 particular area, but it exists. It should be a  
14 concern for all of us from the community, but  
15 it's not contributing to the specific problems  
16 that we are seeing.

17 Nor could I point to a particular food  
18 establishment, a primary food establishment. I  
19 mean, Z Burger is open very late, but their  
20 purpose in life is to serve hamburgers. And they  
21 are feeding people and at least I have not seen  
22 that establishment cause any particular issues

1 nor a bus stop or public place of that nature.

2 MEMBER SILVERSTEIN: No, my concern  
3 was, again, we are looking at this essentially  
4 two block area. One block of P Street and one  
5 block of 22nd/23rd Street. I consider them sort  
6 of one street.

7 MR. PELLEGRINI: Okay.

8 CHAIR MILLER: Yes.

9 MEMBER SILVERSTEIN: In front of and  
10 behind the building. And I think we are all  
11 agreeing that there are three basic residential  
12 buildings that are impacted more than any others,  
13 2141 P Street, West Park and yours. Is that a  
14 fair -- is everybody --

15 MR. PELLEGRINI: Those are the other  
16 two that we have been engaged with. I can't  
17 comment if there is others that have been  
18 adversely affected.

19 MEMBER SILVERSTEIN: And could you  
20 give me an estimate how many people live in those  
21 various buildings? Can anybody give us --

22 MR. PELLEGRINI: Approximately, 36

1 families or -- that live in our building. I  
2 can't comment on the others. I think they are  
3 maybe larger.

4 MR. WARWICK: There are people from  
5 Dupont West here.

6 MEMBER SILVERSTEIN: How many?

7 CHAIR MILLER: Actually, you need to  
8 come forward or you can repeat it, one or the  
9 other. We want to get it on the record. Would  
10 you like to come forward and put that on the  
11 record? Thank you. If you could just introduce  
12 yourself?

13 MS. SNYDER: Hello. I'm Judith Snyder  
14 from the Dupont West. And we have 10 floors.  
15 The first floor is professional. Nine floors of  
16 10 apartments each. I believe the West Park is  
17 equally as large.

18 MEMBER SILVERSTEIN: So how many  
19 residents do you have about?

20 MS. SNYDER: Well, 90 --

21 MEMBER SILVERSTEIN: 90.

22 MS. SNYDER: -- apartments. And you

1 know, two or one each.

2 MEMBER SILVERSTEIN: And the West Park  
3 has how many people? Can we assume?

4 MS. SNYDER: 90. They have about 10  
5 floors as well.

6 MR. PADGET: I believe there is  
7 several hundred in West Park.

8 CHAIR MILLER: Okay. You are not on  
9 the record, sir, unless you come up here.

10 MEMBER SILVERSTEIN: Okay.

11 CHAIR MILLER: No, no, no, that's  
12 fine. Either come up and put it on the record or  
13 somebody else will have to repeat it and put it.  
14 Yes, come and identify yourself, that would be  
15 great.

16 MR. PADGET: I'm Jonathan Padget. I'm  
17 a neighbor of Judy at the Dupont West Condominium  
18 at 2141 P Street, N.W.

19 CHAIR MILLER: Okay.

20 MR. PADGET: So I believe we have  
21 around 150 to 175 residents in the Dupont West.

22 CHAIR MILLER: Okay.

1           MR. PADGET: And the West Park has  
2 many more units than we do. It is a fully rental  
3 building, I believe, with 200 or 300 residents in  
4 it. There is also the Georgetown Gate  
5 Condominium, which is adjacent to the Bier Baron  
6 on 22nd Street. I have talked to the building  
7 manager there and they are many concerns from the  
8 Georgetown Gate about activity coming from the  
9 Bier Baron, as well as from The Fireplace.

10           And then we also share alley space  
11 between Dupont West and the Anderson House.  
12 There is the State House apartment building,  
13 which is a very large rental building, many  
14 hundreds of residents in that building who I  
15 think are dealing with these noise issues that  
16 have been in the alleys.

17           And then of course the hotels. We  
18 have The Fairfax at Embassy Row as well as The  
19 Palomar and the residents, so I mean, you know,  
20 we are talking many, many hundreds of, you know,  
21 residents or visitors sleeping overnight, you  
22 know, who are dealing with this and different

1 issues that are happening with us.

2 MEMBER SILVERSTEIN: And understanding  
3 that these current establishments, no matter what  
4 happens, aren't going to go away.

5 MR. PADGET: Correct.

6 MEMBER SILVERSTEIN: How do we address  
7 the liveability issues while at the same time  
8 understanding that this is an entertainment area  
9 and that the people who want to go down there  
10 also have rights? How do we strike a balance?  
11 Where are we falling short, in your opinion, Mr.  
12 Pellegrini?

13 MR. PELLEGRINI: Yes, it's a very good  
14 question. We do think the answer lies primarily  
15 in stricter enforcement of the settlement  
16 agreements that are, as we understand, in place  
17 with those particular establishments. We have  
18 read the settlement agreements. There are a  
19 number, a dozen or so provisions of them that we  
20 think if they were strictly adhered to by the  
21 proprietors, those establishments would, in fact,  
22 mitigate a significant part of the issues that we

1 are dealing with.

2 MEMBER SILVERSTEIN: Can you help us  
3 out? Can you be a little more specific?

4 MR. PELLEGRINI: Well, there are some  
5 rules about -- they have -- I'm quoting from  
6 memory and I apologize for paraphrasing. But for  
7 basically providing/hiring outside resource,  
8 police, I think off-duty police that serve  
9 through the evenings on weekends that are  
10 supposed to help manage the immediate area  
11 outside of the establishment.

12 There are a number of --

13 MS. VASQUEZ: Yes, there are --

14 CHAIR MILLER: No, wait. If you want  
15 to -- no, you are welcome to join in, but --

16 MR. PELLEGRINI: I'll defer to you,  
17 but --

18 CHAIR MILLER: -- you need to identify  
19 yourself for the record first.

20 MS. VASQUEZ: My name is Jessie  
21 Vasquez and I'm also a resident at Dunbarton  
22 Place.

1                   CHAIR MILLER:   Okay.

2                   MS. VASQUEZ:   So there is a specific  
3                   provision in the settlement agreement with The  
4                   Fireplace that says that they are supposed to  
5                   hire a doorman.   And that doorman is also -- I  
6                   don't know if the doorman is supposed to, but  
7                   there is an area called "the premises," which is,  
8                   basically, a half a block on 22nd Street and a  
9                   half a block on P Street, that has to be picked  
10                  up, garbage has to be picked up.

11                  But it also says that the doorman is  
12                  supposed to traverse the area, which is different  
13                  than the premises, which I think would be in  
14                  front of our building and some of the other  
15                  apartment buildings and encourage patrons who  
16                  have gone to disperse.

17                  So I think if they actually -- and I  
18                  know they are not doing that.   I think they have  
19                  a doorman.   And I do see them picking up the  
20                  garbage on those blocks, but they are certainly  
21                  not traveling the area and making sure that  
22                  people get in their cars and go home.

1 CHAIR MILLER: Okay. Let me just  
2 follow-up. Oh, do you want? I just want to  
3 follow --

4 MEMBER SILVERSTEIN: I just want to  
5 allow Mr. Pellegrini to finish his question.

6 MR. PELLEGRINI: Well, again, to speak  
7 to the question --

8 CHAIR MILLER: Okay. Hang in there.

9 MR. PELLEGRINI: -- the question of  
10 what could be done to -- in addition to the  
11 moratorium issue. What else could be done to  
12 help address the issues we talked about. I  
13 think, again, enforcement of the settlement  
14 agreements and working with ABRA to do that.

15 Secondly, I want to say up front we  
16 are not looking to create a police state in any  
17 way. I do think more regular patrolling by MPD,  
18 not necessarily stopping and searching and stuff  
19 like that, but more of a presence by MPD will  
20 have a deterrent effect to people that are  
21 committing illegal acts.

22 And so I -- we are not looking to

1 violate people's civil rights in any way, but I  
2 think if MPD could step up the level of  
3 patrolling that goes on in the area, especially--  
4 I think it helps just having a presence.

5 I do think that seems to be the trend  
6 when we are out on 14th Street, 18th Street, I  
7 think we refer to stuff like that, you do tend to  
8 see more patrol that goes on. I'm assuming it  
9 has a positive effect.

10 Those would be two specific  
11 suggestions that I think would help the situation  
12 as it currently is.

13 MEMBER SILVERSTEIN: Thank you.

14 MS. ROBINSON: I was --

15 MR. PADGET: We also have specific  
16 problems with the alleyways.

17 MS. ROBINSON: I was about to mention  
18 that. Go ahead.

19 MR. PADGET: That the bar patrons are  
20 using the alleyways, service alleys that are  
21 still very much a part of residential space. I  
22 have a balcony overlooking a service alley. I

1 have a bedroom window and a kitchen window that  
2 overlook a service alley looking westward, you  
3 know, towards Georgetown.

4 It's a lovely view if you look at the  
5 buildings. If someone is screaming outside of  
6 your window at 2:00 in the morning and you look  
7 down and you watch them snorting drugs up their  
8 nose or you see them urinating right below your  
9 window or if you see them having sex, which they  
10 have done several times in the past few months  
11 right outside of my window, that's disturbing and  
12 at least one of these activities is illegal,  
13 perhaps two, because I think public urination is  
14 probably off the table as well.

15 But I think the public drug use, now  
16 I'm not talking about pot, I'm talking about hard  
17 drugs snorted, that's not something that we need  
18 to see, because that means that there are drug  
19 dealers nearby who are providing those drugs.  
20 And these people, the behavior is just off the  
21 charts. And the taverns are contributing to  
22 that. And it just makes no sense to have no

1 limit on them right now.

2 To have to go from a limit of six to  
3 unlimited, it makes no sense. As it has been  
4 said, we have room for other taverns to come in.  
5 If there needs to be competition against the bad  
6 players that we have, that can happen. But Mr.  
7 Pellegrini, is that your name?

8 MR. PELLEGRINI: Yes.

9 MR. PADGET: I think has spoken very  
10 well to the fact that leaving the cap of six  
11 taverns in place and leaving the cap of no  
12 nightclubs in place for the time being while we  
13 work on these very real, very present, very  
14 current issues, these are not way past issues,  
15 they are things that are happening right now that  
16 are not being addressed effectively, but are  
17 having a very detrimental effect on many, many  
18 residents in the neighborhood.

19 We need to do that, so, please, just  
20 leave that cap in place. It makes no sense to  
21 remove it.

22 MEMBER SHORT: Madam Chair?

1 CHAIR MILLER: Okay. Yes, Mr. Short?

2 MEMBER SHORT: Speaking to the  
3 residents in the area, on the record, are you for  
4 or against the moratorium being in place or being  
5 replaced?

6 MR. PADGET: I myself and many of my  
7 neighbors are for the moratorium remaining in  
8 place with a cap on nightclubs and a cap on  
9 taverns.

10 MEMBER SHORT: And lastly, you gave  
11 several buildings in the area that are close to  
12 these establishments. Ballpark figure, 600, 700  
13 residents?

14 MR. PADGET: Easily.

15 MEMBER SHORT: Thank you.

16 MR. PADGET: Probably closer to 1,000.

17 MEMBER SHORT: 1,000 residents?

18 MR. PADGET: Closer to 1,000.

19 MEMBER SHORT: Thank you. Thank you,  
20 Madam Chair.

21 CHAIR MILLER: Okay. Mr. Rodriguez?

22 MEMBER RODRIGUEZ: Yes. How many

1 people answered the survey that was sent out?

2 MS. SNYDER: I think the president of  
3 our board did. I'm not sure, but I feel quite  
4 certain and that was against.

5 MEMBER RODRIGUEZ: Okay. So were you  
6 one of the people who answered the survey?

7 MR. PADGET: I provided input through  
8 direct email channels outside of the survey.

9 MEMBER RODRIGUEZ: Okay. I was just  
10 curious.

11 MR. PADGET: And why is it that you  
12 are so concerned on the survey response and not  
13 the response of --

14 MEMBER RODRIGUEZ: I'm concerned about  
15 the survey because there was only 14 people that  
16 answered the survey out of a population in that  
17 ANC of about what, how many people in that ANC  
18 District?

19 MR. PADGET: It is a failure of the  
20 ANC outreach, as Daniel suggested. It is not  
21 indicative of a lack of interest in this issue.  
22 I can assure you of that.

1                   MEMBER RODRIGUEZ: Well, I just wanted  
2 to know about that. And secondly, my other  
3 question is do you have a BID there? Don't you?  
4 You have a BID? No?

5                   MS. ROBINSON: It's funny you should  
6 mention that, because that was the thing I have  
7 been trying to just get in real quick to answer  
8 Commissioner -- Board Member Silverstein's  
9 question.

10                   One of the contributing problems to  
11 that area is something that this gentleman  
12 mentioned, which is there is a -- you are asking  
13 what outside issues. It's not outside issues  
14 like homelessness. But what does add to that as  
15 a problem is that that area is unique in that  
16 both blocks have a very interconnected set of  
17 alleys that go up behind the buildings.

18                   MS. SNYDER: Yes.

19                   MS. ROBINSON: So when people  
20 disperse, they are able to go into the alleys.  
21 One of the problems I believe that is happening  
22 with Dupont -- with this building, 1414 22nd, is

1 that 23rd borders National Park Service at Rock  
2 Creek Park. The notorious P Street Beach is  
3 right there.

4 And what is happening, I believe and  
5 this is why I tend to lean more on the  
6 enforcement side, is that people flee. They will  
7 congregate in the alley, so they are not on the  
8 street, which is adding to the noise, because  
9 it's bouncing off the buildings, but also people  
10 are escaping into NPS and we have always had a  
11 problem trying to get the National Park Service  
12 to police that area after dark.

13 So people go in there and then they  
14 will kind of emerge and that's where some of the  
15 activity happens. But I think that is part of  
16 what is going on, in particular, along 23rd  
17 Street.

18 MR. PELLEGRINI: I believe we would  
19 certainly agree that a third measure of  
20 enforcement that could help the situation, Mr.  
21 Silverstein, would be enforceable by the Park  
22 Police of exactly that issue.

1                   So you know again, you know,  
2 enforcement is one aspect. We just don't want to  
3 exacerbate the issue right now.

4                   MS. ROBINSON: Right.

5                   MR. PELLEGRINI: Yes. We want to give  
6 it some time.

7                   CHAIR MILLER: I just want to ask, I  
8 know we have MPD here, whether you all know  
9 whether MPD can go into the National Park  
10 Service? Can they go into -- they can't. And  
11 that includes P Street Beach? Is that National  
12 Park area as well?

13                   MR. PELLEGRINI: I'm not an officer,  
14 but we talked. I believe when we met with  
15 Commander Gresham, and I won't speak on his  
16 behalf, but my understanding of what he says is  
17 that if a police officer sees a crime being  
18 committed, they do have an obligation and a duty  
19 to respond to them.

20                   CHAIR MILLER: Okay.

21                   MR. PELLEGRINI: Regardless of where  
22 it is at.

1 CHAIR MILLER: Right. As opposed to  
2 patrolling it. Okay.

3 MR. PELLEGRINI: Yes, right.

4 CHAIR MILLER: I also had a follow-up  
5 question for Judy whatever, but and you all  
6 brought this up, too, about settlement  
7 agreements. Have you tried to enforce them? Are  
8 you all just realizing that oh, that's an action  
9 you should start to take?

10 MS. VASQUEZ: We haven't yet.

11 CHAIR MILLER: Okay.

12 MS. VASQUEZ: We started getting  
13 people in our building to start doing a log of  
14 issues and dates and times and things that we  
15 consider violations, but we have not tried to  
16 enforce the settlement agreements yet.

17 CHAIR MILLER: Okay. Okay.

18 MR. PELLEGRINI: Part of that, I'm  
19 sorry, to elaborate would just be that, you know,  
20 I would say we are still finding our way around  
21 how best to proactively and in a positive manner  
22 try to address the issue. I mean, approaching

1 ABRA, how do we best do that?

2 You know, so we have sought guidance,  
3 I would say, from Daniel. And again, Daniel was  
4 very helpful in establishing a meeting with MPD,  
5 which we are then following up on with our own  
6 meetings. And ABRA was going to kind of be the  
7 next avenue.

8 CHAIR MILLER: Good.

9 MR. PELLEGRINI: We haven't got there  
10 yet.

11 CHAIR MILLER: Good. You should do  
12 that.

13 MR. PELLEGRINI: Okay.

14 CHAIR MILLER: And --

15 MR. PADGET: West Dupont Circle has an  
16 extensive history in pursuing settlement  
17 agreement issues related to Marakesh. I mean, I  
18 have recently raised the issue of their use of  
19 outside promoters and promoting very nightclub-  
20 style events, which is an explicit provision of  
21 their settlement agreement that they are not  
22 allowed to do and there are multiple violations

1 of that, as far as I can tell.

2 And I draw that to the Board's  
3 attention and I don't know what the status of  
4 that is, but there is certainly active awareness  
5 of what the provisions of the settlement  
6 agreements are that many residents would like to  
7 see enforced, but they don't feel like they are.

8 CHAIR MILLER: Okay. Part of the way  
9 they get enforced though, it starts with your  
10 bringing it to ABRA's attention and, in  
11 particular, probably Mr. Moosally.

12 MR. PADGET: I'm sorry?

13 CHAIR MILLER: I think that -- Mr.  
14 Moosally. I would suggest you contact him if you  
15 -- you know, or the front desk if you don't get,  
16 you know -- what? Yes, okay.

17 All right. So that's what you need to  
18 do in order to get them. In order to get the --

19 MR. PADGET: I happen to have them --  
20 I recently have brought several issues to the --

21 CHAIR MILLER: Good. Okay.

22 MR. PADGET: -- attention of the

1 Board.

2 CHAIR MILLER: That's good. We just  
3 want to make sure that you know that that is an  
4 important route for you to pursue.

5 MR. PADGET: We -- the Dupont West has  
6 pursued that very extensively on multiple  
7 occasions.

8 CHAIR MILLER: Okay. So --

9 MR. PADGET: That is not unfamiliar at  
10 all.

11 CHAIR MILLER: -- I think we want to  
12 -- I think I'm going to need to bring this in  
13 more to the --

14 MEMBER ALBERTI: Ms. Miller?

15 CHAIR MILLER: Oh, go ahead.

16 MEMBER ALBERTI: Yes, and I won't  
17 prolong it. I sort of have a question for  
18 Commissioner Warwick. Before I ask the question,  
19 I just want to caution everybody not to read  
20 anything into the Board's response to the survey.  
21 And I empathize having been a commissioner,  
22 having had multiple occasions to try to get --

1 engage people in the community, I understand how  
2 difficult it is to get the word out. So I don't  
3 -- I'm not looking at it as a failure of the ANC.  
4 It's hard to tell why you don't have engagement,  
5 why people don't respond and why you have the  
6 response rates. I wouldn't read anything into  
7 it. I'm certainly not reading anything into it.

8 But, Commissioner Warwick, so it's a  
9 message we are getting loud and clear. Yours is  
10 that the moratorium should be lifted on  
11 everything except nightclubs and possibly  
12 taverns. All right. You are hearing that.

13 So I'm a little curious, was that  
14 discussed in your debates, in your discussions at  
15 the ANC, that alternative?

16 MR. WARWICK: Yes, that --

17 MEMBER ALBERTI: And if so, what was  
18 the outcome?

19 MR. WARWICK: -- alternative was  
20 discussed and the outcome is the resolution that  
21 came to that initiated this rulemaking process.  
22 Before I further answer the question, I want to

1 answer Mr. Rodriguez' question.

2 Dupont Circle is a Main Street  
3 organization. We do not have a Business  
4 Improvement District.

5 MEMBER RODRIGUEZ: Correct.

6 MR. WARWICK: There are rumors of a  
7 Business Improvement District trying to get off  
8 the ground. There have been rumors for the past  
9 10 years about a Business Improvement District  
10 trying to get off the ground. I don't know the  
11 status of it.

12 To answer Board Member Alberti's  
13 question, yes, that was discussed. There was a  
14 full range of possibilities that were discussed.  
15 One range was extending the moratorium in its  
16 entirety. One idea was to lift the moratorium in  
17 its entirety.

18 Where we got to as a commission was to  
19 request an extension on nightclubs exclusively.  
20 And the concern, the driving concern of that, as  
21 is in the resolution, was that there is no  
22 protection of -- if there is a residential

1 building, you are not going to get a nightclub  
2 next door. The residents were there first.

3 There is also not any protection that  
4 if a nightclub is there first, they are not going  
5 to get a residential building next door that is  
6 going to be impacted by the nightclub's  
7 preexisting location.

8 MEMBER ALBERTI: So I also want your  
9 opinion, because I don't know how to phrase this,  
10 but what you have heard from, I think, Mr.  
11 Pellegrini and I have to share this view. All  
12 right. And I'll put it out there.

13 Tavern and an entertainment  
14 endorsement comes really close to a nightclub.  
15 What do you see as the distinction between  
16 taverns and nightclubs?

17 MR. WARWICK: The distinction is the  
18 size of the dance floor and the distinction is  
19 also well, then a tavern has to request an  
20 entertainment endorsement --

21 CHAIR MILLER: Yes.

22 MR. WARWICK: -- that goes through a

1 review process. If they are requested at the  
2 same time, the same review process will be  
3 requested at different times, the secondary  
4 review process.

5 My own personal opinion, this goes  
6 back to the classifications of licenses are not  
7 classifications that matter all that much. I  
8 mean, if I were to create a classification  
9 system, I would say what do you do between the  
10 hours of 10:00 p.m. and 3:00 a.m.? How late are  
11 you going between 10:00 p.m. and 3:00 a.m.?  
12 What's the noise emanating 10:00 p.m. to 3:00  
13 a.m.? How many people do you have in these  
14 hours, because that's what matters to us. That's  
15 not the system we were given.

16 CHAIR MILLER: Yes.

17 MR. WARWICK: The moratorium goes on  
18 the license system that you use that has been  
19 established by the District of Columbia and  
20 that's what we have. What we have right now  
21 going back to -- we have the potential for a  
22 secondary market on taverns. There is absolutely

1 no potential on nightclubs.

2 It is a distinction and it is a  
3 distinction that the ANC believes is important  
4 and hopes that within the process you will grant  
5 us great weight and follow-up on that.

6 CHAIR MILLER: Yes.

7 MEMBER ALBERTI: Thank you,  
8 Commissioner Warwick. And I will just conclude  
9 by saying I agree with your sentiment that we  
10 need to take another look at our licensing  
11 classes.

12 MR. WARWICK: Yes.

13 MEMBER ALBERTI: Because I -- you  
14 know, maybe they are not the best for current  
15 times. But thank you.

16 CHAIR MILLER: Yes, Mr. Silverstein?

17 MEMBER SILVERSTEIN: I want to address  
18 some of the things that Mr. Padgett said. And I  
19 think this involves alleys and criminal behavior.  
20 And I'm looking right at Ms. Robinson as I say  
21 this, we are probably thinking the same thing,  
22 that we had a similar situation about five years

1 ago where there were three violent incidents that  
2 occurred, all of them involving our alleys, all  
3 of them within a one or two month period or maybe  
4 it was even less than a month.

5 MS. ROBINSON: It was less.

6 MEMBER SILVERSTEIN: And we had a  
7 meeting at The Palomar.

8 MS. ROBINSON: No, it was at Omega.

9 MEMBER SILVERSTEIN: I'm talking about  
10 where we had the meeting at the hotel.

11 MS. ROBINSON: Oh, yes, yes, that was  
12 Palomar, yes.

13 MEMBER SILVERSTEIN: And this involved  
14 the neighbors and the police. And because the  
15 alleys are a difficult situation for the police,  
16 we worked with them that they were -- we gave  
17 them access to people's apartments to do  
18 lookouts. We gave them access to the rooftops to  
19 do lookouts.

20 MS. ROBINSON: The put the lights up.

21 MEMBER SILVERSTEIN: And they put  
22 lights out as well. They put in lights to

1 illuminate these alleys at certain times, because  
2 there had been a lot of drug dealing going on  
3 there and there had been a lot of disorderly  
4 behavior. And because we all work together and  
5 there was a special task force that at that  
6 point, Lieutenant Dignen put in, Scott Dignen,  
7 that the problem was taken care of.

8           These things never go away completely,  
9 they come back because that's part of living in  
10 the city. We all understand that. But when we  
11 do know about these problems, when we can work  
12 together, we can take care of some of those  
13 things.

14           And if that's the type of thing that  
15 is a take-away from this meeting, then it has  
16 been a positive thing. If you see that type of  
17 pattern of drug dealing or drug usage or illegal  
18 behavior in these alleys, come to the police,  
19 come to us, us in this case meaning the ANC, oops  
20 and/or the community and we all work together and  
21 we can address these problems. And that can be a  
22 positive.

1 MR. PADGET: Well, the problems are  
2 known. They have been brought to various bodies'  
3 attention. They are not being effectively  
4 addressed, so that's why we are asking in this  
5 process of going forward and trying to address  
6 them, can we please not have unlimited taverns in  
7 the neighborhood? That that would be basically  
8 the problem.

9 CHAIR MILLER: Okay. We heard you.  
10 We heard you. Okay.

11 MEMBER SHORT: We hear you.

12 CHAIR MILLER: Okay. Others? Mr.  
13 Rodriguez?

14 MEMBER RODRIGUEZ: Yes. I asked  
15 before about BIDs, Business Improvement District,  
16 right? And, Commissioner, you indicated that,  
17 basically, you know, you are working on it. It's  
18 not being effective. I got it, you know.

19 And the reason I ask is I live in  
20 Adams Morgan. And the reason I ask this is  
21 because the BID there in Adams Morgan has very  
22 well been security and cleanup, that they decide

1 that they are going to invest their resources in  
2 that.

3 And I have heard a lot of concerns  
4 here today about, you know, the kind of behavior  
5 that we want to eliminate. And so I was just  
6 curious if that's something that can be pursued?

7 MS. ROBINSON: Yes.

8 MR. WARWICK: That is something that  
9 could be pursued. D.C. has two types of BIDs. A  
10 Business Improvement District and a Community  
11 Improvement District. So Mount Vernon, not just  
12 -- it's not just businesses that are taxed and  
13 receive services. It's members of the public  
14 that are taxed and receive services.

15 They have an issue in Mount Vernon  
16 about collecting taxes from a Special Community  
17 Improvement District Taxes from members of the  
18 public, from residential buildings. So based on  
19 that history, I believe the conversation in  
20 Dupont Circle has been about a Business  
21 Improvement District, a linear Business  
22 Improvement District, based on where the row of

1 commercial space is because it's commercial and  
2 non-residential that pays the additional .15  
3 cents per, I believe, \$1,000 on said property  
4 value.

5 While BIDs and the community work  
6 together and it's in the BIDs best interest to  
7 work with the community and in the community's  
8 best interest to work with the BID at the end of  
9 the day, the money for a Business Improvement  
10 District comes from the businesses. They have  
11 their own stakeholders that are not the residents  
12 without it being a Community Improvement  
13 District.

14 In the Community Improvement District,  
15 then residents are stakeholders in terms of  
16 residents are paying the property taxes. At the  
17 same time, there are issues in terms of getting  
18 the property tax created. I could go on and on  
19 about this.

20 MEMBER RODRIGUEZ: Right. I  
21 understand.

22 MR. WARWICK: I agree it is something

1 that should be taken into consideration. Main  
2 Streets right now has a Clean Team. They just  
3 are not funded enough to be having a Clean Team  
4 at the time that really matters for these issues.

5 However, as businesses become more  
6 organized and through their process, we will  
7 definitely work with them.

8 MS. ROBINSON: I would agree. I --

9 CHAIR MILLER: Okay.

10 MS. ROBINSON: -- believe that some of  
11 these things could be addressed by a BID.

12 Georgetown faces many similar problems, but the  
13 BID, I know, does handle some of that.

14 Historic Dupont Circle Main Streets is  
15 fairly toothless when it comes to enforcement in  
16 this, because they are not a full BID. And for  
17 whatever reason, they have struggled for the past  
18 decade, Commissioner Silverstein could speak more  
19 clearly to that most likely, but they have not  
20 been able to get the businesses on-board. And I  
21 think that that would take care of a lot of the  
22 problems along that strip, if we did have a BID,

1 but we don't.

2 MEMBER SILVERSTEIN: Yes.

3 CHAIR MILLER: Okay. I just want to  
4 ask Mr. Warwick, Commissioner Warwick just a  
5 couple more questions with respect to the  
6 moratorium issue specifically. And then I think  
7 we are almost about to wrap this up.

8 But, you know, the tavern issue that  
9 has come up, I just want to focus on that. I  
10 think six are allowed, six taverns are allowed  
11 currently. Four are active. One is in  
12 safekeeping, you said?

13 MR. WARWICK: Yes.

14 CHAIR MILLER: And what's the other  
15 one?

16 MR. WARWICK: The other one is vacant.

17 CHAIR MILLER: Vacant.

18 MR. WARWICK: And would be subject to  
19 an application to ABRA.

20 CHAIR MILLER: Oh.

21 MR. WARWICK: There is no owner of the  
22 one vacant.

1 CHAIR MILLER: Okay. Okay.

2 And --

3 MEMBER ALBERTI: Wait. Excuse me.

4 CHAIR MILLER: Okay.

5 MEMBER ALBERTI: I'm not  
6 understanding. There is no owner of the one that  
7 is vacant? Well, wait. These are ABRA Licenses.  
8 All right?

9 MR. WARWICK: No, no. Let me help.

10 MEMBER ALBERTI: Somebody, please,  
11 help me out here.

12 CHAIR MILLER: Yes.

13 MEMBER SILVERSTEIN: There is a limit  
14 of six.

15 CHAIR MILLER: Right.

16 MEMBER SILVERSTEIN: But there are  
17 only four. There is also one that is in -- so  
18 they haven't reached the limit.

19 MEMBER ALBERTI: The one is in  
20 safekeeping.

21 MEMBER SILVERSTEIN: So anyone can  
22 come in from anywhere and apply --

1           MEMBER ALBERTI: What is the status of  
2 -- one is in safekeeping. What's the status of  
3 the other one? It's an ABRA License. It has to  
4 have a status.

5           MEMBER SILVERSTEIN: No, it's not an  
6 ABRA License. It's a limit. We could set a  
7 limit of 1,000.

8           MEMBER ALBERTI: Oh, okay.

9           CHAIR MILLER: Oh, no one has applied.

10          MEMBER ALBERTI: So it doesn't -- all  
11 right.

12          MEMBER SILVERSTEIN: Right.

13          CHAIR MILLER: Okay. Now --

14          MEMBER ALBERTI: I've got it. Now, I  
15 understand. So the license doesn't exist  
16 currently.

17          MR. WARWICK: Correct. I believe the  
18 history of that was there was a DT that --

19          MEMBER ALBERTI: I'm sorry.

20          MR. WARWICK: -- wanted to convert to  
21 CR.

22          MEMBER ALBERTI: I was just -- yes, I

1 was just --

2 MEMBER SILVERSTEIN: It's confusing.

3 MEMBER ALBERTI: -- being too literal  
4 in what I was hearing.

5 CHAIR MILLER: Okay.

6 MEMBER ALBERTI: So my apologies.

7 CHAIR MILLER: No, that's okay. I was  
8 trying to get this clarified. So and you had  
9 said, I thought, that two of them were  
10 problematic, Marakesh and Fireplace.

11 MR. WARWICK: Yes.

12 CHAIR MILLER: Now, the other two, who  
13 are they?

14 MR. WARWICK: The other two are Bier  
15 Baron and Phase 1.

16 CHAIR MILLER: Okay.

17 MR. WARWICK: Phase 1 used to be  
18 called Apex, used to called Bad Lands, is --  
19 recently the building was bought by a developer.  
20 However, the licensee has a lease to use the  
21 building until 2019.

22 After 2019, I was talking to the -- I

1 work in real estate. I was talking to the  
2 developer of the highest and best use of that  
3 asset, of that building, is not as a tavern that  
4 is open, so it will probably be converted away  
5 from a tavern use, but that's speculation a  
6 couple of years down the road.

7 CHAIR MILLER: Okay. Are there other  
8 streets that taverns would locate on other than  
9 22nd and P or is that it?

10 MR. WARWICK: There are not --

11 CHAIR MILLER: Within the zone.

12 MR. WARWICK: -- it is a -- the  
13 Moratorium Zone is 600 feet from the intersection  
14 of 21st and P with a carve out essentially on  
15 Connecticut Avenue and Dupont Circle. The only  
16 commercially zoned area is on 22nd and on P  
17 Street. There are a couple of small corner  
18 shops.

19 CHAIR MILLER: Yes.

20 MR. WARWICK: Like a dry cleaner is on  
21 21st Street at P Street, but the other areas,  
22 Massachusetts Avenue has a couple of hotels on

1 it, but is otherwise residential in part and 21st  
2 by the Phillips Collection is --

3 CHAIR MILLER: Yes.

4 MR. WARWICK: This would be really  
5 helpful if you had Google Maps in front of you.

6 CHAIR MILLER: Right. So many of us  
7 are pretty familiar with that area.

8 MR. PADGET: There is also a host of  
9 businesses on Connecticut, including Mission  
10 and --

11 MR. WARWICK: Correct. And that is  
12 not included within the Moratorium Zone.

13 CHAIR MILLER: Oh, right. Okay.

14 MR. PADGET: I believe it is.

15 CHAIR MILLER: Okay. Well, we can  
16 look at our map afterwards.

17 MR. PADGET: It's not Midtown, you  
18 know.

19 CHAIR MILLER: Okay. Anything else  
20 from Board Members? Okay. So I think that we  
21 should wrap this up. But you do have the  
22 opportunity to file anything in writing up

1 through close of business on July 31st. I think  
2 close of business --

3 MR. PADGET: Can I ask a quick  
4 clarifying question?

5 CHAIR MILLER: What?

6 MR. PADGET: That is actually an  
7 extension of the published deadline, because the  
8 published deadline is this Friday, July 24th, and  
9 you are saying it has been extended a week to  
10 July 31st?

11 CHAIR MILLER: One moment. I have  
12 July 31 in my notes. What are you saying, it was  
13 published when?

14 MR. PADGET: Your official notice on  
15 your website says that the deadline is this  
16 Friday, July 24.

17 CHAIR MILLER: Oh.

18 MEMBER ALBERTI: It's 30 days from the  
19 day it was published.

20 CHAIR MILLER: In the D.C. Register?

21 MEMBER ALBERTI: So --

22 MR. PADGET: Well, is the website

1 correct or incorrect?

2 CHAIR MILLER: Well, we are not sure.  
3 We're going to -- we're double checking which  
4 date that is. Okay. So all right. We're open  
5 to giving you an extra week.

6 MR. PADGET: Great.

7 CHAIR MILLER: So --

8 MR. PADGET: Will that be published on  
9 the website, so the general public understands  
10 that?

11 CHAIR MILLER: Sure.

12 MR. PADGET: Thanks.

13 CHAIR MILLER: We will change the  
14 website, right? Yes. Okay.

15 MEMBER ALBERTI: Why don't you just  
16 tell them that, there will be an additional time  
17 for comment. Just let them know.

18 CHAIR MILLER: Okay. Okay. The  
19 initial opportunity for you to submit in writing  
20 will be through the 31st and we will change our  
21 website. What we are also talking about is once  
22 we get all your comments in, we are going to

1 deliberate on that and issue an initial decision  
2 and then you will get another chance to comment  
3 on that. I don't have a deadline for that right  
4 now.

5 MR. PADGET: That's helpful to know.  
6 Thank you.

7 CHAIR MILLER: Okay. All right. But  
8 we will be issuing a decision prior to the  
9 expiration of the Emergency Rules to make sure  
10 that there is a position in place. Okay.  
11 Anything else? Thank you very much for coming  
12 down.

13 MR. PADGET: Thank you.

14 MS. ROBINSON: Thank you.

15 MR. WARWICK: Thank you.

16 MS. ROBINSON: So nice meeting you.

17 MR. WARWICK: Good luck to your  
18 daughter. I know it sounds like she doesn't need  
19 any luck.

20 MEMBER SILVERSTEIN: Thank you all.

21 (Whereupon, the above-entitled matter  
22 went off the record at 11:49 a.m.)

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