

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
 : Moratorium
14th & U Street : Zone
Moratorium Zone : Hearing
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May 22, 2013

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

- RUTHANNE MILLER, Chairperson
- NICK ALBERTI, Member
- DONALD BROOKS, Member
- HERMAN JONES, Member
- MIKE SILVERSTEIN, Member

P-R-O-C-E-E-D-I-N-G-S

(1:37 p.m.)

1
2
3 CHAIRPERSON MILLER: Welcome
4 everybody. We are here this afternoon to
5 consider 14th and U Street Moratorium Zone.
6 We are going to take comment on a written
7 request from the Shaw-Dupont Citizens Alliance
8 to create and establish a new moratorium for
9 the Historic 14th and U Street Corridor.

10 The moratorium request is for a
11 five year period. It includes a prohibition
12 of transfer of licenses from outside of the
13 Moratorium Zone to inside the Moratorium Zone.

14 The proposed moratorium also
15 places a cap on Retailer Class CN and DN
16 Licenses at zero licenses, a cap on Retailer
17 Class CT and DT licenses to 10 licenses, and
18 a ban on the expansion of service to any
19 adjoining space, property or lot.

20 I will begin this hearing by
21 calling on those witnesses who notified the
22 Agency in advance regarding their desire to

1 address the Board.

2 Each witness will be granted five
3 minutes to speak. I have a witness list
4 containing names of individuals who desire to
5 speak both in favor of and in opposition to
6 the proposed moratorium.

7 I will also entertain comments
8 from other interested parties who wish to be
9 heard who will also have five minutes to
10 speak.

11 The Board will also note for the
12 record that it has received email and written
13 correspondence from area residents who support
14 or oppose the moratorium. That correspondence
15 will be placed in the Board's official record.

16 I also want to say that the record
17 will be open for written comments until May
18 24th at 4:00 p.m.

19 Okay. I'm going to start by
20 calling the first panel. If you will come up
21 and take a seat at the tables? Alexander
22 Padro, Commissioner, ANC-6E; Joan Sterling,

1 President, Shaw-Dupont Citizens Alliance;
2 Elwyn Ferris, Secretary, Shaw-Dupont Citizens
3 Alliance; Lisa Kelly, member, Shaw-Dupont
4 Citizens Alliance; Robert Lawrentz, Shaw-
5 Dupont Citizens Alliance; and Christina
6 Parascandola, President, Meridian Hill
7 Neighborhood Association.

8 Okay. So I called six individuals
9 and four are presently at the table. Why
10 don't you introduce yourselves now, so I know
11 who is here exactly, in case I don't know you
12 and we don't know you. And then we will start
13 with Mr. Padro.

14 MR. PADRO: Alexander Padro, ANC-
15 6E.

16 MS. KELLY: Lisa Kelly, Shaw-
17 Dupont Citizens Alliance. I live at T Street.

18 MEMBER ALBERTI: Please, speak up.

19 CHAIRPERSON MILLER: Yes, we are
20 having trouble hearing you.

21 MS. KELLY: Sorry. Lisa Kelly, a
22 member of Shaw-Dupont Citizens Alliance.

1 CHAIRPERSON MILLER: Okay.

2 MS. KELLY: A resident of T
3 Street, N.W.

4 MS. PARASCANDOLA: Oh, hi, I'm
5 Christina Parascandola. I'm the President of
6 the Meridian Hill Neighborhood Association.
7 I live at 15th and U Streets.

8 MS. STERLING: Joan Sterling. I'm
9 the President of Shaw-Dupont Citizens Alliance
10 and we are the petitioners in this matter.
11 And I just one quick question. We were also
12 requested to bring seven copies. Do you need
13 these now?

14 CHAIRPERSON MILLER: Sure. That
15 would be helpful. Okay. Thank you.

16 MEMBER ALBERTI: Ms. Walker will
17 get them, please.

18 CHAIRPERSON MILLER: It's my first
19 time using this timer, so -- but everyone has
20 five minutes and when you are ready, Mr.
21 Padro, I'll start it.

22 MR. PADRO: Thank you very much,

1 Madam Chair and Members of the Board. I am
2 Alexander M. Padro. I'm Advisory Neighborhood
3 Commissioner for ANC-6E01 and I am here to
4 give my testimony on behalf of the Commission
5 in opposition to the proposed moratorium.

6 I have been an ANC Commissioner
7 now for 13 years representing Central Shaw.
8 And in that time, the neighborhood has seen a
9 dramatic revitalization. That revitalization
10 has been largely the result of a large number
11 of new businesses that have been attracted and
12 have opened in Central Shaw along 7th and 9th
13 Streets.

14 It is inconceivable to those of us
15 on the Commission that the incredible progress
16 that is being made in terms of bringing back
17 to life these long abandoned and under-served
18 corridors through the use of such a blunt
19 tool, as a moratorium, would even be
20 considered by anyone who truly cares about the
21 neighborhood.

22 I have characterized this move as

1 trying to use a caveman's club where a
2 surgeon's scalpel is required. It is the
3 wrong tool. It's the wrong approach at the
4 wrong time.

5 We are in the midst of an
6 incredible revitalization in our neighborhood
7 that has a few more years to go before we are
8 able to say that we truly have achieved the
9 type of holistic improvements in our
10 neighborhood.

11 CHAIRPERSON MILLER: Ah --

12 MR. PADRO: Is there a problem?

13 CHAIRPERSON MILLER: Well, it
14 might be a little bit harder to hear now that
15 the air has gone on. Do you want to -- let me
16 stop you for a second. Do you want to talk?
17 Can you hear?

18 MEMBER ALBERTI: I can hear. I
19 would like to stop and turn it off.

20 CHAIRPERSON MILLER: Can you ask
21 them to turn it off? Thank you. Okay.

22 MR. PADRO: You know, that's --

1 this particular tool would be used at this
2 particular time to basically freeze the
3 progress that we have made in terms of
4 commercial revitalization along, you know, 7th
5 and 9th Streets, which is the area that we are
6 most concerned about, because that is the one
7 that is in our jurisdiction.

8 But it should be noted that in
9 previous iterations before redistricting, our
10 Commission had, you know, one of the largest
11 numbers of ABC licenses in the entire city.
12 We had Chinatown, Penn Quarter, Gallery Place
13 in addition to those establishments to the
14 north along 7th and 9th Streets.

15 And in that entire time, in the 30
16 years plus, that ANC-2C has been in place,
17 there was never once a suggestion that there -
18 - that a moratorium was needed in order to try
19 to achieve some of the goals that proponents
20 of this particular moratorium said are their
21 reasons for trying to pursue this.

22 The reality is that we have tens

1 of thousands of square feet of new retail
2 space that is being constructed specifically
3 for use as restaurants and taverns in our
4 service area.

5 We have entrepreneurs that are
6 current business owners in our area that have
7 plans to open additional venues in our service
8 area. We -- some of them already have
9 received their licenses, others have already
10 applied and are in the process of getting them
11 approved.

12 The suggestion that a group of
13 residents, of a small subsection of the
14 overall area that is proposed for a
15 moratorium, would be able to make the
16 decisions or, you know, drastic proposals
17 that would guide the quality of life of people
18 that live far away from their service area and
19 would not even be able to become members of
20 their organization is insulting to those
21 constituents.

22 And I will be submitting for the

1 record a letter from the French Street
2 Neighbors Association, which represents all of
3 the 6E constituents that would be affected by
4 the boundaries that have been proposed and
5 also a letter from Shaw Main Streets, the
6 commercial revitalization organization for 7th
7 and 9th Streets, which is also in opposition
8 to this proposal.

9 It is -- again, in 13 years as an
10 ANC Commissioner, I have never seen such an
11 ill-conceived proposal move forward without
12 having taken into consideration the opinions
13 of all of the stakeholders that are involved,
14 talk to the ANCs, make sure that they are on
15 board before moving forward with a proposal
16 like this.

17 And I think it is a testament to
18 the fact that this is just, you know, such a
19 bad idea that four Advisory Neighborhood
20 Commissioners -- Commissions have seen fit to
21 oppose it.

22 So if our neighborhood is to move

1 forward and reach its potential as a
2 Commercial District, it is imperative that
3 this Board not act upon -- act -- that this
4 Board act to not approve this particular
5 measure. Thank you very much.

6 CHAIRPERSON MILLER: Thank you.
7 So we are going to wait to ask question in
8 general until the whole panel speaks, but
9 because of the sound, I just want to ask you--
10 I missed at least one word about what
11 neighborhood association you were referring to
12 at the end when you said Shaw Main Streets and
13 some neighborhood association.

14 MR. PADRO: And the French Street
15 Neighbors Association.

16 CHAIRPERSON MILLER: French
17 Street, okay. Okay. Is Mr. Ferris here? Mr.
18 Ferris, you are in Panel 1 and I called Panel
19 1 before you came in, so do you want to come
20 take a seat at the table?

21 Okay. I might as well just double
22 check. Is Mr. Robert Lawrentz here?

1 MR. LAWRENTZ: Yes.

2 CHAIRPERSON MILLER: Oh, you can
3 come up, too. Okay. Then we have our
4 complete panel. Okay. So our next witness is
5 Joan Sterling, correct?

6 MS. KELLY: No. I'm Lisa Kelly.

7 CHAIRPERSON MILLER: I'm sorry.
8 What's your name?

9 MS. KELLY: Lisa Kelly.

10 CHAIRPERSON MILLER: I'm sorry.
11 Okay. Lisa, you can go next.

12 MS. KELLY: Okay. Thank you,
13 Panel, for letting me testify. My name is
14 Lisa Kelly and I have lived on the 14th Street
15 and U Street Corridor for 10 years, first as
16 a resident of the 1300 Block of R Street,
17 N.W., then Wallach Place, N.W., and currently
18 on T Street, N.W.

19 I moved here because of the
20 historic designation of the neighborhood, the
21 ARTS Overlay and the proximity to public
22 transportation and the promise that the

1 neighborhood would continue to build on its
2 story-base as one of the country's hot beds
3 for the arts with theater and jazz music, home
4 to great legacy of uniquely American art form
5 loved by the world and frequented by some of
6 the greatest artists of our time.

7 Within the ARTS Overlay and
8 historic designation by the city, I realize
9 that this potential of this incredibly diverse
10 neighborhood to once again become a great art
11 venue, I looked forward to participating in
12 the rebuilding of the neighborhood that was
13 devastated by political upheaval of the 1960s.

14 I became active in the corridor's
15 civic organizations to help contribute to that
16 end by volunteering in fund raising
17 activities, participating in local and several
18 community associations annual fund raising
19 holiday house tour.

20 I joined the committee and I
21 personally contributed time and energy to
22 whatever I could in the way of improving the

1 atmosphere on the streets I lived on by
2 planting treeboxes, picking up trash, cleaning
3 out storm drains and shoveling snow from the
4 sidewalks, both in front of my residence and
5 in public areas, at the request of the city,
6 due to the shortfall in their manpower, just
7 to name a few of the activities.

8 I became one of the founding
9 members of the Shaw-Dupont Citizens Alliance
10 to address residential concerns.

11 Sadly, my efforts and of those of
12 my neighbors in the community became quickly
13 overshadowed by the influx of large corporate
14 developers, who are apparently not interested
15 in the history of the guidelines established
16 for the neighborhood.

17 They have pushed out arts venues
18 and small retail establishments crucial to the
19 balance of a sustainable functioning
20 neighborhood with what they prefer, which is
21 a staggering abundance of high-revenue
22 generating liquor license-holding

1 establishments that far exceed the legal
2 definition established by ABRA statutes for
3 over-concentration for liquor licenses by at
4 least sixfold.

5 They have provided high-priced
6 housing, unaffordable to the vast majority of
7 the people who have spent years working to
8 help make this community attractive and safe
9 enough for these same developers to have
10 finally dare to invest in the community in the
11 first place.

12 The city and our local ANCs and
13 Commissioners ignore our efforts and pleas for
14 assistance in keeping the neighborhood
15 balanced with both bars and restaurants that
16 we all enjoy having and the small businesses
17 that we need and rely on to function without
18 having to travel outside of our immediate
19 neighborhood, thus rendering it impossible for
20 a truly sustainable neighborhood, which I
21 believe is the goal of D.C. with a
22 concentration of residents.

1 CHAIRPERSON MILLER: Okay.

2 MS. KELLY: Now our community both
3 adults and our children deal with sleepless
4 nights from the company of noise generated by
5 the influx of these establishments due to
6 music, the huge influx of patrons, often
7 intoxicated, engaging in obnoxious behavior
8 going both to and from these venues.

9 We see frequent fighting, honking
10 of horns mostly while they drive for parking
11 spaces, urinating, defecating and vomiting on
12 our sidewalks, our houses and even on our
13 front porches. People have sex in our
14 stairwells. They curse at us when we come to
15 our doors and windows asking for
16 consideration.

17 Yes, we call the police and ABRA
18 with our complaints, but they are slow to
19 respond, because they are overwhelmed with
20 crime elsewhere.

21 I now spend nearly every Saturday
22 and Sunday in the mornings wearing elbow-

1 length heavy-duty plastic gloves collecting
2 trash and all manner of human detritus from
3 the sidewalks. Liquor bottles, empty six-
4 packs of beer, cigarette boxes, food wrappers,
5 food containers, chicken bones, plastic cups,
6 straws, broken glasses, pizza along with the
7 boxes, discarded articles of clothing,
8 including high heels and underpants, both male
9 and female.

10 CHAIRPERSON MILLER: Okay. Thank
11 you. And this will all be in the record also.

12 MS. KELLY: Thank you.

13 CHAIRPERSON MILLER: Okay. Mr.
14 Ferris?

15 MR. FERRIS: Are we on a time
16 constraint?

17 CHAIRPERSON MILLER: Five minutes.
18 Five.

19 MR. FERRIS: Oh, yes, okay.

20 CHAIRPERSON MILLER: It hasn't
21 started yet.

22 MR. FERRIS: Okay. I'll try to

1 skip over some lines. I clocked in at about
2 eight.

3 CHAIRPERSON MILLER: Okay.

4 MR. FERRIS: Okay. First of all,
5 I want to thank the Board for giving us the
6 opportunity to appear before you today. I am
7 here to proudly submit my unconditional
8 support for the 14th and U Street Moratorium
9 proposed by the Shaw-Dupont Citizens Alliance.

10 As the only local civic
11 association that is dedicated to representing
12 the interests of the residents of the area, I
13 am pleased that this membership has
14 unanimously supported the moratorium as filed
15 by ABRA and pleased that we have been joined
16 in our support by unanimous or overwhelming
17 support by the other two resident associations
18 in the impacted area, which is Meridian Hill
19 Neighborhood Association and the Dupont Circle
20 Citizens Association.

21 I'm a 33 year resident of the 1400
22 Block of T Street. When I moved here in 1980

1 from Boston, I had no idea what it meant to be
2 a civic activist, but if any of you are
3 familiar with the blight that was 14th and U
4 Street back in the '80s, become active in the
5 betterment of your community was not a choice,
6 it was a necessity.

7 We had -- we started the SS Orange
8 Hat Patrols to combat drugs and crime in our
9 area. And the reason we did that is because
10 we were attempting to make the neighborhood
11 attractive for developers.

12 We envisioned a community that
13 offered the various amenities necessary to a
14 sustainable community: Hardware stores, hair
15 salons, clothing shops, banks, laundromats,
16 entrepreneurial shops, galleries, etcetera.

17 We have been fortunate to see a
18 smattering of such things, but nowhere near
19 enough to make this historic neighborhood
20 sustainable. In fact, I am submitting with my
21 testimony a two-page list of retail businesses
22 that have been lost to this community in

1 recent times, like the Garden District, Green
2 Pets, Arena Stage, Urban Essentials, Ruff &
3 Ready and many more.

4 The bulk of which have been pushed
5 out by high rents, only affordable to ABC-
6 licensed businesses and, thereby, the bulk of
7 them replaced by more and more ABC-licensed
8 establishments with no end in sight.

9 I live only a few doors down from
10 the intersection of 14th and T Street. In
11 that immediate intersection, we have roads
12 with residential townhomes line T Street to
13 the east and to the west. We have the
14 following eating and drinking establishments:
15 Matchbox Restaurant, Street Tavern, St. Ex
16 Tavern, Bar Pilar Tavern, Manny and Olga's
17 Pizza, Local 14 Restaurant, Policy Restaurant
18 and Lounge, Taylor Gourmet Sub Shop, Stubbs
19 Restaurant, Bakehouse Coffee Shop, Taqueria
20 Nacional Restaurant.

21 That's 11 eating and drinking
22 establishments at that single intersection,

1 eight of which are ABC-licensed established
2 businesses.

3 Depending on how you drew a 600
4 foot locality and included in your
5 calculations El Centro, Masa 14, Standard,
6 Ted's Bulletin and Doi Moi, that would be 13
7 ABC-licensed establishments, which exceeds the
8 threshold for a 600 foot locality by more than
9 twice.

10 I make this point to demonstrate
11 that there are similar and numerous pockets of
12 such over-concentration all throughout the
13 1800 foot proposed Moratorium Zone, which
14 easily justifies the filing to such apportion.

15 Directly across the street from
16 this very building, we have an entire city
17 block of ABC-licensed establishments. It must
18 be at 80 or 90 percent eating and drinking
19 establishments with a single retail exception.
20 That single retail shop has made a request for
21 a variance to apply for, guess what, a liquor
22 license.

1 Despite Zoning Regulations that
2 restricted the eating and drinking
3 establishments to no more than 50 percent,
4 again, numerous -- despite the zoning
5 exceptions that restrict it to 50 percent.

6 Currently, a new ABC Tavern
7 License application was posted for 1301 U
8 Street where zoning has determined the block
9 is presented 55 feet over the 50 percent
10 limitation. So those who argue that there are
11 other tools to address these issues are just
12 plain uninformed or inexperienced.

13 The point seems to be sadly lost
14 by those in opposition to the moratorium is
15 the incredible impact of such over-
16 concentration on the residents who live with
17 these businesses every day.

18 I'm going to try to skip to my
19 closing. I do not believe that there is a
20 more stellar example of why a moratorium
21 option exists in the ABRA statutes at 14th and
22 U Streets currently approaching seven times

1 the number of licenses required to meet the
2 threshold.

3 Given the stunning and staggering
4 statistics, I do not believe that it can be
5 reasonably argued by anyone that a moratorium
6 isn't severely warranted at 14th and U
7 Streets. Why are we not entitled to the same
8 protections that other impacted residents have
9 in the other successful Moratorium Zones that
10 are throughout this city?

11 We are here today to exercise our
12 civil rights to do just that and this is the
13 only body we can come to to make that
14 decision, so I implore you to, please, give us
15 the respite from these continued proliferation
16 of alcohol licenses. I'll end my testimony
17 there.

18 CHAIRPERSON MILLER: Okay. Good
19 job. You can submit it. You know, you can
20 submit your full testimony in writing. Okay.
21 Next?

22 MS. PARASCANDOLA: Hi, I'm

1 Christina Parascandola. I'm the President of
2 the Meridian Hill Neighborhood Association.
3 Our boundaries are from the south to the north
4 from U Street to Chapin Street and from east
5 to west from 13th Street to 16th Street. So we
6 are in the middle of the action.

7 On April 16, 2013, we had our
8 monthly meeting and we voted to support the
9 moratorium petition. Our reasons for
10 supporting the moratorium are threefold.

11 First, we are concerned that --
12 about the increased threat to personal safety
13 on the blocks the host a very high
14 concentration of licensed establishments.
15 Many of us have witnessed or heard late-night
16 fights, sometimes involving weapons. We are
17 aware of drug dealing in some of these
18 establishments, especially those with the
19 highest concentrations.

20 We commend the 3rd District police
21 officers who are out on the street each night.
22 However, even if we increase their numbers,

1 they simply can't be everywhere at all times.
2 This is a problem in our neighborhood that has
3 to be controlled at the source.

4 Second, the over-concentration
5 adversely affects the peace, order and quiet.
6 This is especially for the affected minority
7 of us, who are living close to the 14th and U
8 Street Corridor, but it is now also starting
9 to affect people on E Street and W Street, on
10 the residential streets.

11 We experience loud, drunken
12 conversations, lots of fights in front of our
13 homes. I know in my personal experience,
14 usually at the magic hour between 2:45 and
15 3:15 in the morning when the clubs let out,
16 I'm often awakened by the flashing police
17 sirens or just the loud conversations that I
18 think sometimes people who are intoxicated
19 don't realize the disturbance that they are
20 causing.

21 Many of us have had to call the
22 police to deal with noisemakers, not only does

1 this convert law enforcement resources that
2 are needed in other areas, the police can't
3 really do much. Usually the person who is
4 making the noise or the group of people can
5 leave the area or they stop making noise and
6 the police can't do anything unless they
7 witness the disturbance firsthand.

8 So, you know, after we have been
9 woken up and then have to go to bed at 3:00 in
10 the morning and then get up for work, it's
11 really disturbing our quality of life.

12 This past week, I participated in
13 a petition drive with many of my neighbors I
14 spoke with. I gathered 57 signatures to
15 support this moratorium. The problem with
16 people with all walks of life, all social
17 classes, it's affecting everyone in our
18 neighborhood.

19 Thirdly, we are concerned about
20 the loss of daytime foot traffic in our
21 neighborhood. We are turning our neighborhood
22 into a daytime dead zone. The commercial

1 landlords realize that they get significantly
2 higher rents by leasing to liquor-licensed
3 establishments and the small independently-
4 owned retail stores that once revitalized our
5 neighborhood are now leaving.

6 I have spoken personally with
7 several small business owners and they have
8 cited the increased rents as the reason for
9 leaving or their plans to leave when their 10
10 year lease is expired.

11 Unfortunately, none of them were
12 willing to come here and testify today,
13 because they are concerned about alienating
14 their customers or having difficulties with
15 their landlords.

16 Today you will probably hear a lot
17 about neighborhood vibrancy. A truly vibrant
18 neighborhood has many layers and textures of
19 business that make it resilient. The coffee
20 shops, art galleries, day spas, eyeglass
21 stores, musical instrument stores and daycare
22 centers, we really need daycare centers, these

1 bring people to the neighborhood at 10:00 a.m.
2 as well as at 10:00 p.m.

3 They keep the neighborhood diverse
4 and active and truly vibrant after the bar
5 scene has left.

6 You may also hear about a
7 moratorium being a blunt instrument. Here it
8 is not. This is surgery. This is brain
9 surgery. The proposed Moratorium Zone covers
10 less than 2 percent of the total land mass of
11 the District of Columbia. Within the
12 Moratorium Zone, a little less than half of
13 that land is actually residential, so there
14 will never be liquor licenses there anyway.

15 Within the Moratorium Zone, you
16 have 110 or 120 liquor licenses. Those of us
17 who live within the proposed Moratorium Zone
18 have a choice of more than 300 places to go
19 out for a beer at night within a 15 minute
20 walk of our homes. As someone personally who
21 enjoys a good beer, don't worry, we will be
22 fine.

1 Finally, on my own behalf, I would
2 like to ask the Board if it's at all possible
3 that this Moratorium Zone be extended
4 westward. Ideally, I'm along U Street. It
5 really needs to reach to 16th Street to be
6 effective. Thank you.

7 CHAIRPERSON MILLER: Thank you.
8 Okay.

9 MS. STERLING: Okay. Chairperson
10 Miller and Board Members, thank you for the
11 opportunity to testify today. My name is Joan
12 Sterling and I am the President of the Shaw-
13 Dupont Citizens Alliance, the petitioners in
14 this request for a moratorium for the Historic
15 14th and U Street Corridor.

16 SDCA filed this petition in
17 December of 2012 after many years of work,
18 discussion and planning. Our neighborhood has
19 been struggling with the impacts related to
20 the over-concentration of alcohol licensing
21 for many years and two previous ANC
22 Commissioners had already started looking into

1 a moratorium for this area.

2 After repeatedly failing to get
3 the core impacts of over-concentration
4 addressed through case-by-case licensed
5 protests, working with our ANCs, working with
6 DCRA to plead for enforcement of the ARTS
7 Overlay to no avail, we now must request a
8 moratorium on the issuance of new liquor
9 licenses for bars, nightclubs and restaurants
10 for the next five years.

11 The continued explosion of
12 licenses in the Historic 14th and U Street
13 Corridor has forced the residents to request
14 this Moratorium Zone based on the
15 appropriateness standards as specified in 25-
16 313(b)(2), (3), (4) as filed in the petition.
17 It cannot be reasonably disputed that we have
18 an over-concentration of ABC Licenses.

19 In the 1,800 foot radius, there
20 are currently 120 licenses. This is
21 approximate due to daily additions. When we
22 filed in December, there were 107 that ABRA

1 had in their records. Over 16,500 alcohol
2 seats, higher numbers for occupancy. There
3 are, approximately, only 5,700 residents of
4 all ages in the affected area.

5 At least five of the blocks are
6 over the 50 percent ARTS Overlay cap on eating
7 and drinking establishments with some at 90
8 percent.

9 Our experience with requesting
10 this moratorium is very similar to the other
11 areas to which moratoriums were granted. The
12 people that were directly impacted by the
13 problems associated with an over-concentration
14 of licenses are, by definition, always in the
15 minority. Those that were in the majority
16 were not directly impacted and saw no reason
17 to have limits imposed.

18 This, too, has been our
19 experience. Shaw-Dupont Citizens Alliance,
20 Meridian Hill Neighborhood Association and
21 Dupont Circle Citizens Association, the three
22 neighborhood associations representing the

1 residents in the directly impacted area, have
2 all voted to support the moratorium.

3 The 14th and U Street Corridor is
4 surrounded by residential homes and those
5 living in the directly impacted areas where
6 the over-concentration is the greatest face
7 constant challenges.

8 Residential parking has become a
9 huge issue in the neighborhood, even with
10 enhanced residential parking. It is nearly
11 impossible for residents to park on the street
12 in the evenings, especially on weekends.

13 Even though our neighborhood is
14 convenient to public transportation, we
15 witness scores of tavern, restaurant and
16 nightclub goers on their way to cars in the
17 early morning hours long after Metro has
18 closed.

19 Noise is a real concern for those
20 residents whose homes are near establishments
21 and for the many others who are impacted when
22 clubs let out and people return to their cars

1 in the early morning hours. Happy revelers
2 will stay on the street for hours making
3 noise. Angry revelers will stay on the street
4 for much less time, but in many cases, causing
5 alterations that require police intervention.

6 Trash, broken bottles, broken car
7 windows and many less appealing items are part
8 of the daily clean-up on many residential
9 streets.

10 Public safety is always a concern
11 and on December 17, 2012 in a letter to
12 Chairman Mendelson, Chief Lanier stated that
13 city blocks with 10 or more ABRA
14 establishments require four times the
15 additional manpower than blocks with one to
16 nine bars. Clearly, we are in that over-
17 concentration that the Chief was referring to.

18 In their Washington, D.C. study,
19 the Urban Institute Justice Policy Center
20 found that the density of on-premise alcohol
21 outlets is highly predictive of violence,
22 particularly aggravated assault.

1 When disaggregated by type of on-
2 premise alcohol outlets, the density of
3 taverns is positively associated with both
4 more violence and more disorder.

5 In the District of Columbia areas
6 where on-premise outlets and high assault
7 levels often are in popular retail and
8 commercial corridors that have a few vacant
9 parcels and very good street lighting.

10 We believe that we can learn from
11 the success of our other neighbors in Dupont
12 Circle, Adams Morgan and Georgetown in
13 addressing many of these same issues.
14 Moratoriums have helped limit the transition
15 to tavern licenses, based solely on alcohol
16 entertainment.

17 ABRA's Investigative Unit is
18 clearly under-resourced and the three to five
19 ABRA enforcement officers on-duty on any given
20 night must cover the whole city. This makes
21 it virtually impossible for the impacted
22 residents to obtain any kind of timely relief

1 for any further violations.

2 It does not look like ABRA will
3 receive any additional resources and funding
4 that can help improve it in the foreseeable
5 future. Thank you for the opportunity to
6 speak.

7 CHAIRPERSON MILLER: Thank you.
8 Okay.

9 MR. LAWRENTZ: I am Robert
10 Lawrentz. I live in the D.C. area, U Street
11 Corridor. Thank you for the opportunity to
12 testify today.

13 I have lived in Washington, D.C.
14 as a D.C. resident since 2002 in the Shaw
15 Cardoza Neighborhood. The U Street/Cardoza
16 Neighborhood has been transformed from a
17 neighborhood into a supposed entertainment
18 area, except all the venues for music,
19 especially jazz, its great heritage are now
20 gone. I know this because I am friends with
21 some of the best jazz players in the city.

22 However, if you consider bars and

1 taverns as entertainment, then you will not be
2 disappointed. The city has allowed developers
3 carte blanche, allowed them to come in and
4 build, buy and build for the most part
5 whatever they want.

6 No thought to the heritage, the
7 aesthetics or the impact to the residents.
8 Some who have been here 20, 30 and 40 years or
9 more. One only has to look at this week's NPR
10 report on the D.C. developers and the
11 Washington, D.C. Government relationships. I
12 quote from there, "The 10 developers that
13 donate the most are the development teams that
14 benefitted \$641 million or more than 1/3 of
15 all subsidies examined.

16 Nearly half of the donors had
17 multiple affiliates donating and 19 had at
18 least 10 affiliates donating. A dozen
19 developers spent the most campaign cash the
20 year their subsidy was approved and it were 10
21 days in which three or more companies
22 developing a project together donated to a

1 single candidate on the same day.

2 It does not take a forensic
3 accountant to realize what was going on in our
4 city. What we are now faced with is the fact
5 that the developers set the tone for our
6 neighborhood. They dictate what businesses
7 will be allowed access to their playground.
8 And nothing brings better returns than high
9 rents that come in than liquor sells.

10 So in a matter of two years or so,
11 the U Street has been transformed into
12 concentration of bars and taverns and
13 restaurants while many of the local non-
14 related businesses are leaving. We are being
15 forced out by new developments and within our
16 neighborhood due to the excessive high rents
17 as the panel has documented.

18 Our neighborhood has an influx of
19 20 and 30 year-olds. One can see more and
20 more baby strollers and carriages every
21 weekend. Where will they shop for family
22 needs over the next five years when the 14th

1 and U Street neighborhood is bereft of shops
2 and businesses a neighborhood requires, what
3 a neighborhood requires are food stores,
4 barbers, hair stylists, hardware stores,
5 clothing stores for men, women and children,
6 flower shops, pastry shops, doctors, dentists,
7 jewelers, food stores, artisan galleries, art
8 galleries and such.

9 What we now have is an over-
10 abundance of bars and liquor stores. And the
11 U Street is no longer -- and what happens when
12 U Street is no longer the hot area and the
13 hipsters go elsewhere? H Street is coming.
14 And that always happens. What do we have, a
15 micro-boom bust economy.

16 Then there is the noise, the
17 violence and trash problems. We, who live in
18 the neighborhood, are now faced with it
19 Thursday through Saturday night and I would
20 like to say it is Thursday through Saturday
21 night. It starts Thursday night and continues
22 until Sunday morning.

1 Why is the police presence only
2 put two to three times what it did two years
3 ago? Because it is so safe? I walk my dog
4 every night at midnight and 1:00 in the
5 morning. I have cops everywhere, all the time
6 now, not that I'm arguing or upset, but they
7 are there.

8 If you do not -- if someone does
9 not think there is a problem, come and stay
10 with us in our neighborhood for the weekend.
11 And for every meeting I have attended at any
12 local neighborhood association, there are
13 those who say a moratorium is bad and that
14 there are alternative ways to deal with the
15 situation, which is already out of hand.

16 Yet, no one -- I have never seen
17 anyone detail what those alternative methods
18 are to deal with the problem. I believe in
19 reality there isn't one. The facts are in
20 U.S. of A., today's profits will always trump
21 tomorrow's need for moderation, restraint and
22 planning for tomorrow.

1 I ask ABRA to seriously evaluate
2 the need for a liquor moratorium for the U
3 Street and the area neighborhood for the
4 residents, the folks who live and work there
5 and take the necessary action to assure the U
6 Street/Cardoza Neighborhood remains a
7 neighborhood and not a profit center for the
8 select few developers who have no vested
9 interest in our neighborhood, other than to
10 profit from its current popularity.

11 I thank you for your time.

12 CHAIRPERSON MILLER: Okay. You
13 have a little time left. Thank you. Okay.
14 Are there Board questions? Yes?

15 MEMBER ALBERTI: Do you want to
16 start?

17 CHAIRPERSON MILLER: Oh, okay. I
18 guess I'll start. I have just a few that I
19 would actually throw out to any of you to
20 respond to. One is, I mean, as I'm listening,
21 it's obvious we are talking about the vibrancy
22 of the neighborhood and then we are talking

1 about the adverse impacts on the immediate
2 neighborhoods of noise and trash and things
3 like that.

4 I want to ask -- well, especially
5 the petitioners, did you consider a less broad
6 moratorium and is the problem more from bars
7 and taverns as opposed to, you know, including
8 all restaurants in this rush?

9 MR. FERRIS: Well, if I can
10 respond?

11 CHAIRPERSON MILLER: Okay. Yes,
12 go ahead. Okay.

13 MR. FERRIS: I don't know if one
14 can determine where the problem exists. The
15 problem for us is the confluence of all of
16 these establishments. Once they close at 2:00
17 or 3:00 in the morning, we find ourselves with
18 hundreds to thousands of people on the streets
19 where we are trying to sleep and raise
20 families and get up -- be able to get up for
21 work in the morning.

22 So it's generally the confluence

1 of all of these people after the
2 establishments close who linger on the street.
3 They scream for taxis. They have brawls and
4 arguments. They litter the sidewalks with
5 pizza boxes. It's just an intolerable
6 situation.

7 So one cannot always determine
8 where it is emanating from.

9 CHAIRPERSON MILLER: Okay. Yes?

10 MS. STERLING: And to answer
11 specifically, we considered a variety of
12 options and we settled on the broad option
13 knowing that the Board has complete authority
14 to choose to implement or not implement
15 whatever they so decide.

16 And with the rampant substantial
17 changes going through for restaurants
18 converting to tavern licenses, it is almost
19 impossible for us to even assess the potential
20 for restaurants versus the taverns, because
21 most of the restaurants have already converted
22 into taverns to gain access to the 3:00 a.m.

1 close with no food service whatsoever.

2 CHAIRPERSON MILLER: Okay.

3 MS. PARASCANDOLA: If I could
4 respond too?

5 CHAIRPERSON MILLER: Yes, sure.

6 MS. PARASCANDOLA: We have a lot
7 of restaurants now and new ones coming on-line
8 that have closing hours of 2:00 a.m. on the
9 weeknights and 3:00 a.m. on the weekends. I
10 don't know who goes out to dinner at those
11 hours, so they are, in several case, de facto
12 nightclubs.

13 And, you know, I know one solution
14 is oh, well, you could challenge them when
15 they come up for renewal. I already have a
16 full-time job and we just can't do this on a
17 case-by-case basis.

18 CHAIRPERSON MILLER: Okay. Thank
19 you. Oh, did you have an answer? No. Okay.
20 I also want to ask, maybe starting with Mr.
21 Padro, I don't know if you made references to
22 this or not, but then the others.

1 The Zoning Overlay, you know,
2 which limits the 50 percent of drinking and
3 eating establishments. In your view, is it
4 working? Is it not working? I think this was
5 -- that was one of the intentions to really
6 curb that exponential growth of the
7 restaurants and that, you know, take the place
8 of the little shops that people want and the
9 art that people want to protect.

10 So can you address that at all?

11 MR. PADRO: I can address it in
12 our jurisdiction, but not in the other ANCs.
13 In our jurisdiction, we have not done close to
14 50 percent.

15 MEMBER ALBERTI: I'm sorry?

16 CHAIRPERSON MILLER: So your --

17 MR. PADRO: So in ANC-6E's
18 jurisdiction, we are talking about the far
19 southeastern area of the radius, which is in
20 the area of -- between R and S Streets to the
21 west of 9th Street. But throughout our
22 jurisdiction beyond that, we have not reached

1 that.

2 CHAIRPERSON MILLER: Okay. Okay.
3 Does somebody else want to address that? Yes?

4 MS. STERLING: Yes. I would like
5 to assure Mr. Padro and the Board that all the
6 area that falls within the moratorium circle
7 that was drawn that is in 6E is actually, in
8 fact, Zoned R-4 and R-5 and they are
9 ineligible for licenses. So anything in that
10 area would -- well, it is in the circle, there
11 would be no properties that would actually be
12 available to be granted a license.

13 CHAIRPERSON MILLER: Okay.

14 MS. STERLING: As far as the ARTS
15 Overlay, in 2009 ANC-2F report, at that time,
16 there were over four blocks -- there were four
17 blocks within the circle that were already
18 over the 50 percent, some bumping up almost
19 then up into the 80s. It has only increased
20 since that time, even with the change in 2010
21 to make it a 50 Percent Rule.

22 The 25 Percent Rule was history

1 clearly, so that was the, as you know, I'm
2 sure you were involved at the time, change.
3 So we have only seen an increase and we have
4 not seen DCRA -- any willingness to address
5 it.

6 And part of it is the process.
7 You know, when a licensee asks for a license,
8 they go to DCRA to get permission to -- for
9 that particular address and it basically says
10 that yes, it is zoned properly. But the
11 measurement is never implemented until the C
12 of O is issued. So it is kind of a disconnect
13 between DCRA and the ABRA process where they
14 shouldn't even bother coming to ABRA if DCRA
15 makes the determination ahead of time that
16 that particular square and block has already
17 reached the 50 percent.

18 But that is, unfortunately, not
19 happening, at this time. And we have no
20 ability to address that really with DCRA.
21 There is no mechanism for the residents other
22 than to --

1 CHAIRPERSON MILLER: So you are
2 saying since 2009, they don't measure? It
3 hasn't been working? They really haven't
4 implemented it?

5 MS. STERLING: No, since they made
6 the change in 2010, there still has been very
7 little done. Some of the ANCs have been a
8 little bit better in policing what comes in.
9 Unfortunately, one who has not. And so almost
10 all the area on this that is in the ARTS
11 Overlay falls into 1B.

12 CHAIRPERSON MILLER: Okay.

13 MS. STERLING: And that has been a
14 problem.

15 CHAIRPERSON MILLER: Okay.

16 MS. STERLING: 2B has been a
17 little better, but it is -- but they have some
18 lots that are approaching 60 percent now.

19 CHAIRPERSON MILLER: Okay. I
20 don't want to take up too much time, but, Mr.
21 Ferris, I thought that you may have made
22 reference to this and maybe the developers are

1 getting variances from the overlay?

2 MR. FERRIS: Well, I know that the
3 single retail business on the east side of --
4 directly across from this building, there is
5 only one retail business there and they had
6 come before the 1B ANC to request a variance
7 or an exception or whatever it is to put an
8 alcohol license in there, which would then
9 make that block 100 percent, which is now
10 what? I guess you would say 90 percent with
11 the one retail business.

12 Additionally, there is a new
13 license application --

14 CHAIRPERSON MILLER: But what
15 happened? Were they allowed to do that or not
16 allowed to do that?

17 MR. FERRIS: I couldn't tell you.

18 CHAIRPERSON MILLER: Oh.

19 MR. FERRIS: I did not follow-up
20 on their request.

21 CHAIRPERSON MILLER: Okay.

22 MR. FERRIS: I would assume that--

1 I don't know. There has been no placard
2 there. The Mila dress shop.

3 MS. STERLING: Yes, they didn't
4 get that.

5 MR. FERRIS: They didn't get it.
6 Okay. But nonetheless, the request is there
7 and the way the process is not working, now
8 could have very well been issued.

9 There is currently a tavern
10 license application at 1301 U Street where
11 zoning has already told us that that block is
12 already 55 feet over the 50 percent limit. It
13 is an ice cream shop trying to convert to a
14 tavern.

15 CHAIRPERSON MILLER: Okay. Okay.
16 Thank you. All right. Other Board Members?
17 Mr. Silverstein?

18 MEMBER SILVERSTEIN: Let me start
19 with Commissioner Padro. Your ANC voted on
20 this?

21 MR. PADRO: Correct.

22 MEMBER SILVERSTEIN: Could you

1 tell us what the vote was?

2 MR. PADRO: It should be in the
3 record.

4 MEMBER SILVERSTEIN: Pardon?

5 MR. PADRO: The correspondence
6 should be in the record.

7 MEMBER SILVERSTEIN: And the vote
8 was?

9 MR. PADRO: The vote was -- at the
10 time we had six Commissioners. We had five in
11 favor and one against.

12 MEMBER SILVERSTEIN: Could you
13 tell us what the sentiment was of the
14 community and of the Commissioners? Very
15 briefly.

16 MR. PADRO: We had heard from
17 constituents that were not concerned about
18 over-concentration, because in our
19 jurisdiction, there is no over-concentration.
20 Any other questions, they have to respond to
21 that question when they come before you.

22 But they -- my constituents were

1 concerned about, you know, restricting the
2 revitalization that has been going on in our
3 corridor along 7th and 9th Streets, which is
4 primarily restaurants and taverns.

5 And they took offense to the
6 suggestion that an organization that they
7 could not become members of should be
8 proposing restrictions that would affect the
9 ability of businesses to be established in
10 proximity to them.

11 MEMBER SILVERSTEIN: You speak of
12 vibrancy and I want to address this to Ms.
13 Parascandola and Ms. Sterling.

14 Ms. Parascandola, you said you had
15 a petition and it had 57 signatures on it.
16 There is one on change.org that has over
17 1,200, 1,212 that are against this and being
18 that this is a rulemaking, we are allowed to
19 go out and look at things and we are not
20 limited to simply what is said in this room.

21 And I read through them all and
22 the one that jumped out at me, and I think

1 it's probably the one that I think we should
2 address here, because it encapsulates
3 everything that both sides are saying, was a
4 woman who wrote "Having arrived here in 1988,
5 I have seen the cinder blocks removed from the
6 windows of buildings along U Street and
7 witnessed parking lots turn into busy mixed-
8 use buildings. U Street is blossoming with
9 new businesses. We need to continue the
10 rejuvenation."

11 Now, we have had -- you know, you
12 have 57 signatures. They have 1,200. You
13 have three community groups and there are four
14 ANCs and by my count, the vote of the
15 Commissioners was 10-0 in 1B, 6-1 in 2B, 7-0
16 in 2F and 5-0 in 6E and that's 28-1.

17 MR. PADRO: 5-1.

18 MEMBER SILVERSTEIN: Pardon?

19 MR. PADRO: 5-1.

20 MEMBER SILVERSTEIN: 5-1. So it's
21 28-2. And the major listening session, which
22 I did not attend was overwhelmingly against.

1 Let's talk, Ms. Sterling and Ms. Parascandola.
2 What is -- it seems like you are swimming
3 upstream here. Why would that be? Why would
4 the ANCs whom we are required to give great
5 weight vote against so strongly and why would
6 these public listening sessions be so strongly
7 against?

8 MS. STERLING: Great questions and
9 we can answer all of them hopefully to your
10 satisfaction. The impacted neighborhood
11 associations have collected over 375
12 signatures in legal affidavits required by the
13 District of Columbia of residents who support
14 the moratorium petition as drafted.

15 We have witnessed each signer's
16 signature, each signer provided his or her
17 address all D.C. residents. We understand the
18 group you are talking about who opposes the
19 moratorium has circulated an on-line petition,
20 which may be referenced.

21 With this type of petition, there
22 is no way to verify the identity or even

1 existence of the petitioner, let along his or
2 her address or whether he or she is a District
3 of Columbia resident. I do not know if they
4 are in the impacted area. And, therefore, we
5 request that the Board uphold previously
6 ruling -- previous D.C. rulings on on-line
7 petitions and strike any on-line petition from
8 this consideration.

9 As far as the listening session,
10 there were, approximately, 47 people there who
11 spoke against it. We already have 375
12 signatures of people who have actually read
13 the documents and were willing to come out and
14 discuss it and make statements and send
15 letters that you will be receiving.

16 So I think that part of what you
17 see is that, from the ANCs, the minority of
18 the directly -- the minority of people are
19 always in the center of the directly impacted
20 area. And the majority of the people in the
21 ANCs don't live anywhere near this particular
22 corridor and they love coming for the

1 nightlife and then they get to go home.

2 And the ANCs, because they
3 represent the large area, have to deal with
4 all their constituents, not just the minority
5 that is directly impacted. But that's why we
6 are here, because it is a regulator's job to
7 worry about everybody.

8 And we have met the regulatory
9 burden here.

10 MEMBER SILVERSTEIN: Yes, you
11 have.

12 MS. STERLING: And we believe that
13 we need protection.

14 MEMBER SILVERSTEIN: You most
15 assuredly have met the threshold, but -- and
16 what I hear you saying is that some people
17 would prefer not to come out in favor of this
18 because it might be uncomfortable for them.
19 Is that what you are --

20 MS. STERLING: Well, I -- that is
21 what we have heard. And I think I have to
22 leave it at that, because I can't really speak

1 for those people.

2 MEMBER SILVERSTEIN: I know. And,
3 Ms. Kelly, you spoke of the great history of
4 this neighborhood and all that. The history
5 of this neighborhood, I'm not quite sure
6 whether it is cinder blocks or Black Broadway.
7 Hasn't this historically been a nightlife
8 area? An area of entertainment? I mean, the
9 same way that some areas are maybe a row of
10 embassies. This has always been a row of
11 nightclubs. Has it not been?

12 MS. KELLY: I think it has at
13 times. I think it became one, but, for
14 instance, Wallach Place, many of the buildings
15 there were built in 1867 which is shortly
16 after the Civil War. I hardly think that you
17 could compare the nightlife and entertainment
18 going on then to what it has become.

19 Certainly, it probably wasn't even
20 anything like it is now when it was Black
21 Broadway. My point is that we meet the level
22 for over-concentration.

1 MEMBER SILVERSTEIN: No, you meet
2 the threshold.

3 MS. KELLY: Small businesses --

4 MEMBER SILVERSTEIN: You meet the
5 threshold.

6 MS. KELLY: -- are -- we meet the
7 threshold. Small businesses are being driven
8 out The D.C. Government has voiced a desire
9 to create higher urban density, which would be
10 better for all of us, considering the
11 situation in the world today, the carbon
12 footprints, you know, transportation and
13 everything else.

14 And this seems to be in direct
15 conflict with what is happening here in this
16 neighborhood, because if small businesses are
17 driven out and we only have businesses that
18 are open at night, the residents who do live
19 here are forced to go outside of the
20 neighborhood. It doesn't make it a
21 sustainable neighborhood.

22 You know, you are going to have to

1 use cars to go outside of the neighborhood.

2 I mean, it just does not make any sense.

3 MEMBER SILVERSTEIN: Okay. But I
4 look at the eight cranes out the window right
5 now --

6 MS. KELLY: Um-hum.

7 MEMBER SILVERSTEIN: -- and as Mr.
8 Lawrentz said you are seeing these 20 and 30
9 year-olds moving in and it's not just
10 hipsters. I mean, you've got a Supreme Court
11 Justice who moved in. And this neighborhood
12 is, you know, roaring back to life. And there
13 are going to be economic dislocations to that
14 no matter what we do.

15 MS. KELLY: Right.

16 MEMBER SILVERSTEIN: I mean, I
17 think we all understand that. But you are not
18 trying to say that this neighborhood is, you
19 know, going downhill or that there is any --
20 that it's going to hell in a hand basket, are
21 you?

22 MS. KELLY: No, I'm not saying it

1 is going to hell in a hand basket. What I'm
2 saying is I think that there needs to be a
3 more balanced approach. And we have not been
4 able to achieve that through any other method.

5 We are continually told that this
6 is a blunt instrument. Yet, the people who
7 speak to this have nothing to say about how to
8 do it. The agencies that supposedly are going
9 to implement these changes are ineffective,
10 unfortunately.

11 I mean, we could spend every night
12 of the week all of us going to all of these
13 meetings, but we can't, because we have jobs.
14 We are exhausted trying to deal with these
15 issues as they come up. And we are looking to
16 you to help us.

17 MEMBER SILVERSTEIN: Okay. And
18 one final question. I'm going to ask this of
19 Ms. Sterling and Mr. Ferris.

20 We have these eight cranes out
21 here. We have a building across the street.
22 We have all this construction and we have all

1 these people who are going to come and move
2 into this neighborhood and those buildings are
3 going to be mixed-use.

4 And there are going to be people
5 who are going to want to open restaurants in
6 those buildings for all these new people.
7 Where are they going to get -- are they going
8 to -- would you want them to be without a
9 liquor license to compete or if not, how are
10 they going to get their liquor license? Ms.
11 Sterling?

12 MS. STERLING: So let me say that
13 many of those are out -- many of those cranes
14 are outside the proposed zone, first of all,
15 so they would not be impacted in that and they
16 will be able to get all the liquor licenses
17 that they can achieve through the process.

18 Second, I think I would need to
19 ask you is the only thing that all those
20 people who might be living in these places
21 need is a place with a liquor license? Do
22 they need some other services in their

1 neighborhood?

2 If you believe the only thing they
3 need to survive in the neighborhood is a place
4 with an alcohol license, then here we go. But
5 if you believe that they need more than just
6 that to be able to stay in this neighborhood,
7 then you need to really address our petition
8 and grant us this moratorium.

9 MEMBER SILVERSTEIN: Well, you
10 didn't answer the question. I'll simply
11 without answering your's and getting involved,
12 fortunately there is going go be a Trader
13 Joe's across the street and there are going to
14 be -- you know, the market will provide some
15 things, even though the market can be a cruel
16 mistress and it's not always sacred.

17 MS. PARASCANDOLA: I wanted to
18 respond to the question that you had asked
19 earlier that I didn't get to respond to.

20 MEMBER SILVERSTEIN: Okay. And
21 then I'll stop, because I have taken too much
22 time, but I wanted to get these to the first

1 panel.

2 MS. PARASCANDOLA: Okay. You had
3 asked about the on-line petition. And I went
4 out to gather signatures. I can tell you
5 there is a real on-line divide. It's in our
6 neighborhood. And I didn't realize that from
7 talking with people face-to-face. These are--
8 there are a lot of people who did not go to
9 the ANC town hall.

10 And, indeed, I went to that town
11 hall and it just -- the people I saw didn't
12 look like the people I see when I walk out my
13 door in the morning. And, you know, there is
14 a specific group, I think they must have
15 received information on the blogs or emails or
16 maybe coming out of the nightclubs to come and
17 speak for 90 seconds at this town hall.

18 But when I go and talk to my
19 neighbors, people I know live on T Street or
20 on 15th Street, three doors down from me, we
21 are the ones who are having the problems here
22 with the noise and th crime. And that's what

1 this is about. This is about the affected
2 minority.

3 And, you know, I can't get into
4 the minds of my ANC Commissioners. I have
5 spoken with them about this. I don't think
6 they understand how the moratorium works. I
7 think they have been fed a lot of
8 misinformation. I don't know why they voted
9 the way they did.

10 MEMBER SILVERSTEIN: Okay.

11 MR. FERRIS: My answer to your
12 question would be very similar to Ms.
13 Sterling's. It's that the young people coming
14 in here, they have 120 places right now within
15 the Moratorium Zone to go. How many more do
16 they need? We need banks. We need hair
17 salons. We need a garden center. There are
18 other amenities that a sustainable community
19 needs beyond liquor licenses.

20 And as Mr. Parascandola testified
21 to, beyond the moratorium circle is another
22 plethora of establishments within walking

1 distance that they can get to.

2 In terms of the listening session
3 that was held, there were more than 150 people
4 in that room. Now, I don't claim to know 150
5 people, but I have been a community activist
6 for over 30 years here. I know a lot of the
7 faces in that room. And those faces are
8 people who support the moratorium.

9 There are two problems. They are
10 exhausted from the embattlement that we face
11 very day with alcohol licenses and they refuse
12 to believe, at this juncture, that a
13 moratorium would not be instituted because it
14 is so plain on the face of it that the merits
15 of the case is so strong, that they feel they
16 don't have to speak out.

17 And it's very difficult for people
18 in light of the ridicule that the petitioners
19 have experienced with on-line bloggers and the
20 name calling, it's very difficult for people
21 to stand up in a public venue and offer their
22 support.

1 MEMBER SILVERSTEIN: Okay. I
2 think we should -- we are an hour into this
3 panel already and --

4 CHAIRPERSON MILLER: Right.

5 MEMBER SILVERSTEIN: -- I have
6 asked too many questions. I thank you for
7 your --

8 CHAIRPERSON MILLER: That's okay.

9 MEMBER SILVERSTEIN: -- first of
10 all, for coming here, for your civic activism,
11 all of you, none of you being paid for this,
12 and that we are all in it for the betterment
13 of the city, although we may have different
14 views. Thank you, Madam Chair.

15 CHAIRPERSON MILLER: Okay. Other
16 Board Members? Okay. I just want to make one
17 comment. What? Ms. Walker will get it. And
18 we wanted to give you a lot of time, because
19 this is your, you know, petition and we wanted
20 to make sure that you had that opportunity to
21 explain it.

22 And I just want to say that I

1 appreciate that -- those neighbors that are
2 most impacted or in a different situation than
3 the rest of the ANC or the community that like
4 to enjoy the vibrancy in this area.

5 So, you know, that doesn't go
6 unrecognized. I just have to say though, I
7 come to this neighborhood, obviously, once a
8 week at least and I know you have furniture
9 shops, pharmacies, cleaners, markets,
10 boutiques, gyms, hair salons, whatever and I
11 think that most neighborhoods would love to
12 have what is here.

13 So I'm not convinced that you
14 don't have these other shops, at this point,
15 or that they are leaving. So, you know, if
16 you have more evidence about that, you know,
17 I would be interested. But at this point, you
18 know, my neighborhood doesn't have that. Yes?

19 MR. LAWRENTZ: Could we send you a
20 list of the -- what was here a year and a half
21 ago?

22 CHAIRPERSON MILLER: Sure. The

1 record is open until May 24th.

2 MR. LAWRENTZ: Okay. Thank you.

3 CHAIRPERSON MILLER: Yes.

4 MR. FERRIS: That was submitted
5 with my testimony.

6 CHAIRPERSON MILLER: Okay. Good.
7 We'll look at it, yes.

8 MR. LAWRENTZ: Never mind.

9 CHAIRPERSON MILLER: All right.
10 So thank you very much.

11 MS. STERLING: Thank you.

12 MR. FERRIS: Thank you.

13 MR. LAWRENTZ: Thank you.

14 CHAIRPERSON MILLER: Okay. The
15 next Panel No. 2, Robin Diener, Chair of
16 Regulatory Committee, Dupont Circle Citizens
17 Association; Ramon Estrada, resident at-large,
18 ANC-2B's ABRA Policy Committee; Dante
19 Ferrando, owner of the Black Cat; James Nozar,
20 Vice President, JBG Companies; Bryan Moll,
21 Vice President, JBG Companies; and Moshe
22 Zosman, resident, Union Row.

1 Okay. Why don't we start from the
2 right? My right, your left.

3 MS. DIENER: Good afternoon.

4 CHAIRPERSON MILLER: Good
5 afternoon.

6 MS. DIENER: Members of the Board
7 and Chair Miller, I think I have appeared
8 before you before, so girl power. So thank
9 you for this opportunity to speak.

10 My theme today will be balance.
11 As Chairman of the Regulatory Committee of the
12 Dupont Circle Citizens Association, I served
13 on the ABRA Noise Task Force convened three
14 years ago and also on the Legislative Working
15 Group that helped write the Omnibus Alcohol
16 Bill, with my colleague here, passed by D.C.
17 Council last year in 2012.

18 I am a former small business owner
19 myself. I operated a book store, Chapters
20 Bookstore, in downtown Washington, D.C. for 13
21 years. My husband and I have been residents
22 of the Dupont East Moratorium Zone since its

1 inception and I have a strong interest in
2 regulation, both from a business owner's point
3 of view and from a resident's point of view.
4 And I try very hard to balance those views.

5 The members of our civic
6 association, Dupont Circle Citizens
7 Association, DCCA, attended both listening
8 sessions held by Logan Circle and Dupont
9 Circle ANCs. We were struck by two things
10 that we heard.

11 One was the sheer number of
12 licensed establishments in the proposed
13 moratorium area and you have heard all about
14 that. But that alone -- if 18 is a meaningful
15 number as a threshold, then that may indicate
16 that things are already out of balance.

17 The other thing that struck us was
18 the overwhelming amount of testimony by
19 residents about economic development, which
20 I'm not sure is exactly your purview, but it
21 does seem to be very important underlying a
22 lot of comments.

1 A lot of testimony that we heard
2 was from people who live in the area, though
3 not everyone was a resident in our immediate
4 area. They did not all experience the impacts
5 to peace, order and quiet at their residences.
6 And they freely acknowledged that, indeed,
7 problems exist from noise traffic and behavior
8 of intoxicated individuals, other things that
9 have already been gone into in great detail.

10 And again, this was already
11 mentioned, but it struck me that they didn't
12 have any active solutions. And indeed we
13 found on the panels that we worked on in the
14 task force, because it is a very difficult
15 issue. Mixed-use is a goal that is desired in
16 theory, but it is hard to make it work.

17 And so this may be a planning
18 problem that perhaps a recommendation needs to
19 go up to the Office of Planning.

20 These neighbors -- it's sad to say
21 they opposed their neighbors' interests in
22 legally protected expectations for peace,

1 order and quiet in favor of, what would seem
2 to be, their overwhelming desire to have a
3 wide choice of restaurants.

4 So several in a bit of an
5 unneighborly fashion suggested that moving was
6 the best option for their neighbors. And
7 ironically, one of the purposes of a
8 moratorium is the protection of property
9 values for those who are most directly
10 impacted in particular. So again, it is a
11 balancing act.

12 Contrary to some -- I feel that I
13 need to talk about the 17th Street Moratorium
14 just because there was so much testimony about
15 its failure. And as someone who lives under
16 it, I have to say that is absolutely not the
17 case. It is a near perfect high street, only
18 three blocks long, so quite a bit different
19 from what we are talking about here.

20 But as far as achieving a mix of
21 neighborhood-serving retail, that has been
22 done. And in addition, we have four of the

1 most highly rated restaurants in the city,
2 which is pretty amazing.

3 The DCCA Regulatory Committee
4 presented a report to our members and I have
5 that also with my testimony for you. And at
6 our annual membership meeting, we had occasion
7 to discuss this matter and there being a
8 quorum and so forth, a resolution as passed in
9 support of our neighbors for a moratorium at
10 Historic 14th and U Street Corridor.

11 The DCCA members felt that since
12 we, the residents in Dupont, had benefitted so
13 greatly from not one, but two moratoria in
14 Dupont, it was incumbent to announce to
15 support our neighbors in their application for
16 similar consideration and to come here today
17 to report to you about how the moratoria
18 improved our residential neighborhood,
19 preserved the neighborhood retail, and help us
20 maintain property values.

21 We believe these regulatory
22 measures, the moratoria, helped us achieve

1 that balance of commercial activities in a
2 residential area. So I'm almost done.

3 Another matter that came up
4 repeatedly in the listening sessions was the
5 way that limiting licenses would make them
6 into a more highly -- a high-priced commodity.
7 I'm sorry. I just have a few more --

8 CHAIRPERSON MILLER: You can
9 finish that part, yes.

10 MS. DIENER: And that isn't the
11 case. And we would like to recommend, this is
12 not something for you to take up at this time,
13 but perhaps again can go forward, that the
14 sale of licenses, even though it is somewhat
15 under the table, that it be banned by law.
16 The licenses are a public good. They can be
17 revoked by you and they should not be able to
18 be sold as part of the business package.

19 CHAIRPERSON MILLER: Okay.

20 MS. DIENER: And finally, the
21 moratoria, if I may just say, are not about
22 individual operators. It's about a cap that

1 is needed when the sheer numbers, the sheer
2 volume of establishments becomes overwhelming
3 and far from being a blunt instrument --

4 CHAIRPERSON MILLER: Okay.

5 MS. DIENER: -- it's entirely
6 tweakable. We have done that in Dupont. And
7 it's left to you, good Commissioners, to
8 achieve that balance for us. Dupont Circle
9 Citizens Association is in support. Thank
10 you.

11 CHAIRPERSON MILLER: Thank you.
12 Okay. There you go.

13 MR. FERRANDO: Hi, Dante Ferrando.
14 I own the Black Cat just down the street. I
15 first became familiar with this neighborhood
16 when I opened my first restaurant, which was
17 Dante's Restaurant back in 1989 down on 14th
18 and Church Street.

19 The neighborhood was a lot
20 different then. We were the first, as far as
21 I know, the only one in the area that was
22 actually doing table service at the time.

1 There wasn't that many places to go out and
2 eat or drink.

3 There was prostitution, a lot of
4 drugs, a lot of violence. We even had an
5 employee shot in the face on the way to work.
6 It was a very rough neighborhood, at that
7 point in time.

8 In '93, I moved up to 14th and T
9 Street above Paradise Liquor, which was also
10 above an open air heroin market. Later that
11 year, I opened Black Cat.

12 In the years that followed as more
13 and more restaurants and bars opened, my
14 experience is that the streets have become
15 progressively safer. Property values have
16 definitely gone up. There has been a few bad
17 actors that have created setbacks. Most
18 cases, eventually, they lost their licenses
19 and the neighborhood moved forward, I think,
20 by leaps and bounds.

21 I feel like maybe some small petty
22 crimes, I believe, just as crimes of

1 opportunity with the sheer number of people
2 who are in the area probably have gone up, but
3 without a doubt, you can walk around at
4 midnight. You can walk your dog now. You
5 couldn't have done that 10 years ago.

6 So when I started Dante's, I
7 started on a shoestring budget and I worked
8 very hard on minimum wage salary to try to put
9 the money back into the business and expand.
10 One of my main goals was to buy the building,
11 which I did about 11 years ago.

12 We now own four lots of property
13 in the proposed Moratorium Zone. And a lot of
14 the reason I put that effort in is, you know,
15 four generations in the restaurant business.
16 This is what I do. This is what my family
17 does.

18 And I have plans to do little
19 teeny bits of expansion on Black Cat at some
20 point when the kids move out, I might want to
21 do something with one of those lots of
22 property, open a boutique hotel with a small

1 bar in it with my wife. There is things that
2 I would like to do with that property that I
3 don't like the idea of the game changing after
4 I spent that much time and that much money in
5 the neighborhood.

6 But, you know, more importantly
7 than how it directly affects me, the overall
8 impact for people like me, for owners of these
9 businesses, I don't know if this is being
10 considered as much, our hands will be tied as
11 far as changing license classes, as far as
12 making plans to expand.

13 At the same time, you are going to
14 be handing us a huge value of our liquor
15 license, as mentioned. So businesses like
16 mine, which are a destination business, some
17 place like the 9:30 Club, a lot of the
18 gastropubs that have opened up where people
19 are going to them and coming to the
20 neighborhood to them.

21 We are going to be sitting on no
22 option for changes and license value that is

1 five to ten times higher than it currently is.
2 And the temptation for people like us, I
3 believe, is going to be to cash in on that
4 added value of the liquor license, move down
5 to H Street or maybe just move five blocks
6 north or south and get out of the moratorium
7 area, because I can open Black Cat anywhere
8 within walking distance of the subway and
9 still have it work.

10 With that added cost to the people
11 who are -- buy a business like mine or like
12 one of these gastropubs, I'm afraid the flavor
13 of the neighborhood is going to change
14 dramatically to pay that extra premium value
15 on that license, that's going to be chain
16 restaurants. That's going to be high-volume
17 bars that can actually afford that extra cost.

18 And I don't think those are the
19 type of changes that people in the
20 neighborhood want. I think they like the mix
21 of businesses and the types of businesses we
22 have.

1 And in closing, I just want to
2 point out 20 years ago there was a lot of fear
3 about Black Cat opening. And there was a lot
4 of objections and a lot of the things we heard
5 are very similar arguments to what we have
6 been hearing with the moratorium.

7 And I feel like things have
8 improved. And I hear the same arguments every
9 few years that we have too much. One -- Black
10 Cat was the only place open at the time on the
11 block, but it was going to be way too much
12 because of its size and because of the type of
13 business it was.

14 I just feel like this argument has
15 been made over and over again and proven wrong
16 over and over again. And that's basically all
17 I've got.

18 CHAIRPERSON MILLER: Thank you.
19 Okay.

20 MR. ESTRADA: Good afternoon,
21 Madam Chair and ABC Board Members. I have the
22 seven copies. Do I need to hand these to

1 someone?

2 CHAIRPERSON MILLER: Oh, she will
3 take them. Then we can read along.

4 MR. ESTRADA: The obligatory
5 seven.

6 CHAIRPERSON MILLER: Thank you.

7 MR. ESTRADA: My name is Ramon
8 Estrada, R-A-M-O-N, Estrada, E-S-T-R-A-D-A,
9 middle initial A and some people think that A
10 stands for ABRA because I spent so much time
11 at ABRA or on ABRA-related items. But really
12 I assure you it is not ABRA. It's actually my
13 mother's maiden name, which is in the Mexican
14 tradition when you name your children.

15 So having said that, some of you
16 know that I served as Commissioner of the
17 Single Member District 2B09 for 10 years and
18 if you don't know where that is, that's the
19 southwest corner of 14th and U.

20 And during those 10 years, I saw a
21 lot of progress and redevelopment in our 14th
22 and U neighborhood, most of which I have

1 welcomed and supported and helped hopefully to
2 direct. And during those 10 years as
3 defickled as it may seem to believe, I
4 personally negotiated 13 voluntary agreements,
5 which we now refer to as settlement agreements
6 in my Single Member District alone.

7 So a lot of the growth was 13
8 alcohol-serving establishments. Not to
9 mention that I cooperated very closely with
10 ANC-1B to negotiate jointly with them on
11 several businesses across 14th Street because
12 we were an affected ANC and the regulations
13 allowed for that participation. And I think
14 it was a good collaboration.

15 In my opinion, we reached a
16 tipping point in our neighborhood a number of
17 years ago when it seemed to me that every new
18 business that was coming into the neighborhood
19 at that time was an alcohol-serving
20 establishment. And we did lose scores of
21 small businesses along 14th and U, to those
22 alcohol-serving establishments. And I believe

1 an exhibit has been submitted for you to
2 review, which captures that information.

3 I want to let you know that the
4 idea of a moratorium has been around for a
5 long time in our neighborhood. Several
6 referred to comments about that. I worked
7 very closely with several Commissioners from
8 1B over those years, including Peter Raia, who
9 worked very hard to try to establish a
10 moratorium petition process in his Single
11 Member District.

12 But it really wasn't until SDCA
13 came forward and filed its petition in
14 December that we really had anything to
15 evaluate, so here we are. As you know, the
16 petition is asking to establish a moratorium
17 in our neighborhood, which will provide
18 protection to affected residents.

19 I also want you to know that I am
20 an affected resident. In spite of all my
21 activities that I just outlined, also serving
22 on the ABRA Task Force, to try to change some

1 of the regulations, I live steps from the
2 corner of 14th and T and Dante was a neighbor
3 of mine on 14th and T.

4 And I personally support the
5 petition. We have issues at 14th and T
6 related to late night noise and peace, order
7 and quiet enforcement, parking, over-
8 concentration, all the things that come with
9 that many establishments. And I mentioned 13
10 plus all the ones across the street.

11 There has been a lot of talk by
12 people who are opposing the moratorium about
13 current tools and I want to tell you that I'm
14 the one who actually worked with the District
15 Government, the Metropolitan Police
16 Department, the Zoning Commission, the ARTS
17 Overlay people, ABRA and everyone to try to
18 make our quality of life at 14th and T, 14th
19 and U and in the neighborhood in general more
20 agreeable to the residents.

21 So I think we have done everything
22 we can do and that it's really time for a

1 moratorium, because some of those things are
2 not working as has been commented on by the
3 previous panel. I would be happy to answer
4 any questions you have regarding that.

5 There has also been a lot of talk
6 about a Business Improvement District. In
7 Dupont, we are familiar with that, because we
8 have one in the Golden Triangle, a highly
9 successful one, a model if you will. But
10 there has been trouble getting a BID organized
11 on 14th and U. A lot of it has to do with the
12 money involved to support it and the
13 underlying tax levy issue on commercial
14 properties.

15 I know there is a proposal by JBG
16 to fund it for \$150,000 which really would
17 only go as far as funding an executive
18 director and a feasibility study. Thereafter,
19 businesses would have to fund it and/or the
20 tax levy.

21 So we are all frustrated with the
22 current tools and, again, I would like to say

1 that it is time for a moratorium. Clearly,
2 there are no easy or quick answers. And as
3 you know, ANC-2B has a lot of experience with
4 moratoriums and we know that a moratorium once
5 it is in place can be reviewed periodically
6 and we can also tweak it.

7 We can play with license
8 classifications. We can talk a little bit
9 about boundaries. I think there is some
10 flexibility there that is not widely known to
11 the public, but I think for those of us who do
12 know that and having served as the Chair of
13 the ANC and I'll just take one more minute and
14 Chair of the ABRA Policy Committee in 2B, I
15 know those things to be very workable.

16 So I do support the moratorium.

17 CHAIRPERSON MILLER: Okay.

18 MR. ESTRADA: And I --

19 CHAIRPERSON MILLER: Okay. Thank
20 you.

21 MR. ESTRADA: -- think we need to
22 just urge the Board to provide the protection

1 that the law allows to affected residents.

2 CHAIRPERSON MILLER: Thank you.

3 MR. ESTRADA: Thank you very much
4 for your consideration and the beeping.

5 CHAIRPERSON MILLER: You're taking
6 this man's seconds away. Yes.

7 MR. ZOSMAN: Hi, my name is Moshe
8 Zosman and I'm both a resident of the
9 neighborhood, I live on 14th Street right
10 across from Martha's Table, and I also have --
11 own a business up on 14th and Florida, so both
12 are in the zone we are discussing today.

13 And I'm here to give a little more
14 of a personal experience as a resident versus
15 a more -- I don't really want to say global
16 concern, but just a big area.

17 So as a small business owner and
18 more as a resident and neighbor with a family
19 and a small child, I would like to express my
20 concern with the rapidly growing number of
21 liquor licensed businesses which serve alcohol
22 at late hours.

1 There has been more than a few
2 incidents in the past four years that I have
3 lived in the neighborhood where either me, my
4 wife or my neighbor had to call the police
5 because people were lounging right under our
6 window singing, fighting, throwing items,
7 puking, barfing, having sex, urinating, all
8 those wonderful things you heard before.

9 The police, as mentioned earlier,
10 cannot do anything about it. They show up too
11 late or don't show up at all. I personally
12 had an experience where someone threw a stone
13 at my window where my newborn was 3 months at
14 the time and he was right by the window at
15 night, only because I asked the person to not
16 sing under my window.

17 That doesn't happen just once or
18 twice. It happens almost every weekend. And
19 I think that I would love to have more small
20 businesses around us. I am personally a small
21 business owner. I am lucky enough to be able
22 to own my property and not be subject to rent

1 and lease that keeps increasing for other
2 businesses, but I have seen a lot of small
3 businesses leave the neighborhood because it
4 is a lot easier for liquor licensing -- liquor
5 license business to just occupy those areas.

6 I do not want to see this
7 neighborhood becoming another Adams Morgan,
8 which is -- nobody ever -- nobody mentioned it
9 to date, but if you look at Adams Morgan,
10 during the day it is a cemetery almost.
11 Nobody walks around there. And on Monday
12 morning, they are collecting trash double time
13 than it takes on any other neighborhood, only
14 because it is only a nightlife area period.

15 The businesses during the day,
16 they are not surviving. And I think our
17 neighborhood is heading in this direction.

18 I also want to say that that, in
19 my opinion, this debate -- issue is about
20 money. Maybe no one wants to say it, but I
21 believe that it is about money. And it has
22 always been about it and it is usually in the

1 favor of the business owners and as well as
2 the landlord, those decisions, that's how, in
3 my opinion, they are made.

4 I think once for the greater good
5 of the people who actually live in the
6 neighborhood, decision should be based on
7 their interest. And that's all I wanted to
8 say today. I'm open to any questions, if you
9 have any. Thank you.

10 CHAIRPERSON MILLER: Thank you.
11 Are there questions? Okay. I just have one
12 or two. And I think, Mr. Estrada, you said
13 that in your view, the neighborhood hit the
14 tipping point a few years ago. How do you
15 define the tipping point?

16 MR. ESTRADA: Well, I think when
17 more than half of the businesses that are
18 coming in are alcohol-related, that's a
19 tipping point. But we have had so few small
20 new businesses coming in that I am concerned
21 about the proliferation of alcohol-serving
22 establishments.

1 CHAIRPERSON MILLER: Okay. And
2 also you think that all the other tools have
3 been exhausted and this is the only tool left?

4 MR. ESTRADA: Well, I personally
5 am exhausted. I say that with all due respect
6 to all the District agencies. No one has
7 asked the District Government to do more than
8 I have in my Single Member District to respond
9 to our neighborhood's needs. We have had a
10 lot of success. Look at those wonderful
11 buildings at 14th and S, at 14th and U, which
12 personally guided with the help of JBG and
13 their partners to bring that here.

14 I have also worked with the
15 businesses that were in there before that are
16 coming back to answer Board Member
17 Silverstein's question. All the restaurants
18 that were there before are coming back, so
19 they will be there by agreement. And we have
20 some new ones at 14th and S, so I have done
21 all of that.

22 I have worked with the police

1 department asking for more police presence
2 with my fellow Commissioners in 1B. I have
3 also met with the ARTS Overlay Committee and
4 have worked with them in 2009 to try to refine
5 that document and to work with planning, so
6 that we meet those 50 percent maximums real.

7 You heard testimony earlier today
8 and there are charts available that give you
9 all the percentages by block. There are
10 blocks as high as 90 percent, 50 percent, 60
11 percent, so that's in evidence already.
12 Hopefully you guys will take a look at that
13 when you deliberate. So I worked a lot with
14 that.

15 We need enforcement. We also need
16 enforcement at ABRA. One of the biggest
17 points that hasn't been made here today, and
18 I would like to make it now, is that with the
19 mixed zone -- mixed-use projects that are
20 coming, that Board Member Silverstein referred
21 to, those are not protected by ABRA
22 Regulations, because they are zoned

1 commercial.

2 So what are we going to do when
3 those residents move in and start complaining
4 about the noise at 14th and U, 14th and T, 14th
5 and S and other parts of U? Well, guess what,
6 the ABRA Investigator can't even go out
7 because when he asks are you in a
8 residentially zoned property and the renter or
9 owner says no, I'm in a commercially zoned
10 property, he won't even go out.

11 We have already run into that when
12 we have complained about noise at 14th and U.
13 So that's something to consider. And the ARTS
14 Overlay should have provided some protection.
15 The moratorium will provide those residents
16 protection. And there are literally hundreds
17 of those residents moving in in the next two
18 years.

19 So it's something for you guys to
20 consider for this neighborhood.

21 CHAIRPERSON MILLER: Okay. Well,
22 thank you very much.

1 MR. ESTRADA: Good luck.

2 CHAIRPERSON MILLER: Okay. Panel
3 No. 3: Guy Podgornik, resident, 1323 Wallach
4 Place, N.W.; Caroline de Mariz, resident, 1315
5 T Street, N.W.; Craig Brownstein, resident,
6 1315 Wallach Place, N.W.; Russell Page,
7 resident, 1430 S Street, N.W.; Daniel McKay,
8 resident, 1315 T Street, N.W.; Dan Wittels,
9 resident, 1325 Wallach Place, N.W.

10 So if I called your name, please,
11 come up. All right. Okay. So we will start
12 with if you introduce yourself on the -- on my
13 right.

14 MR. PODGORNIK: I'm Guy Podgornik.

15 CHAIRPERSON MILLER: Okay. I'm
16 sorry, what's your name?

17 MR. PODGORNIK: Guy Podgornik.

18 CHAIRPERSON MILLER: Okay. Good
19 afternoon. I'm Guy Podgornik and I live at
20 1323 Wallach Place and I appreciate you giving
21 me the opportunity to testify in support of
22 the moratorium today.

1 You have already heard from
2 several people about the problems that we
3 experience and you have seen how many
4 establishments we have, so I'm going to limit
5 my testimony as to why I think you need to
6 draft a moratorium that is suitable for the
7 neighborhood.

8 We have also heard about the ARTS
9 Overlay and the history of it and how
10 originally it had a cap of 25 percent of
11 eating and drinking establishments and then a
12 later study 10 years later found that that cap
13 had been exceeded on many blocks.
14 Subsequently, the cap was increased to 50
15 percent.

16 Today several blocks exceed that
17 limit due to lax enforcement by DCRA and also
18 by the ANCs in which these blocks are located.

19 In addition, there is a loophole
20 in the regulations that allows greater
21 concentration of eating and drinking
22 establishments by stacking them over or under

1 street level businesses, so the entirety of
2 the establishment does not count toward the 50
3 percent of frontage, only their doorway or
4 staircase counts.

5 One need only look across the
6 street at the 2000 Block of 14th Street to see
7 both of those issues in play.

8 DCRA seems incapable of enforcing
9 the 50 percent limit. Recently an application
10 was filed to open a tavern in the 1300 Block
11 of U Street on the south side of the street.
12 The Shaw-Dupont Citizens Alliance requested an
13 audit of the block from DCRA. The response
14 was that there was only 13 feet of frontage
15 available, not enough for the tavern to open.

16 Counsel for the applicant asked
17 DCRA for the same audit a few weeks later.
18 This time, the audit found that there were 70
19 feet of frontage available, although no
20 businesses have entered or left the block at
21 that time.

22 It is no wonder that DCRA has not

1 been enforcing the 50 Percent Rule because
2 it's own staff cannot determine what the
3 frontage of eating and drinking establishments
4 actually is on a particular block.

5 Furthermore, there are questions
6 as to whether DCRA is appropriately applying
7 the 50 Percent Rule as written.

8 In all the meetings that I have
9 gone to, the issues the opponents have brought
10 up as solutions to the problems are enforcing
11 the ARTS Overlay and I have just discussed how
12 that just isn't happening, strong voluntary
13 agreements and other non-specified solutions.

14 So let me talk about the stronger
15 voluntary settlements. The great majority of
16 the establishments within the proposed
17 Moratorium Zone are within ANC-1B. Recently,
18 1B voted to protest the application of the
19 Fainting Goat in order to negotiate a
20 voluntary settlement, yet, the ANC failed to
21 submit the paperwork to ABRA.

22 Also, the ANC changed the

1 longstanding rules for committee membership,
2 so that they now limit volunteers in the ABC
3 Committee to the single districts where most
4 of the liquor licenses exist.

5 Also, at the same time, the ABC
6 Committee began accepting liquor licensees and
7 their employees as voting members of the
8 committee, which help regulate their
9 businesses as well as those of their
10 competitors. The ANC does not seem troubled
11 by this clear, conflict of interest.

12 Also at their last meeting, the
13 ANC voted against the recommendations of their
14 own ABC Committee to protest three
15 establishments. Their committee had reached
16 a decision to protest, based on much community
17 input, and the protest had the support of the
18 Single Member District Commissioners.

19 This evidence shows that ANC-1B is
20 unable or unwilling to develop and enforce the
21 kind of strong voluntary settlements that
22 moratorium opponents say are necessary to

1 combat the problems pointed out in the
2 petition.

3 Furthermore, as it has been
4 mentioned today, voluntary settlements are
5 intended to deal with single establishments.
6 They do not address the cumulative effects of
7 establishments.

8 And I'm going to wrap it up by
9 saying the other solutions that have been
10 mentioned are encouraging reimbursable police
11 details. Councilman Graham has been trying
12 for years to get that, but the eating and
13 drinking establishments are fighting them
14 tooth and nail.

15 The ANC-2B resolution also says
16 something curious about steps the residents or
17 ANC can take to improve the ABC Board.

18 I would like to know/hear from you
19 what those steps are and whether you think you
20 need to be improved.

21 And finally, there is the issue of
22 a BID which is far from being implemented. It

1 is not sure if it will be and, again, the
2 eating and drinking establishments are doing
3 that.

4 Could I just read my last -- my
5 summation?

6 CHAIRPERSON MILLER: How long is
7 it? A sentence or two?

8 MR. PODGORNIK: It's just like
9 four or five sentences.

10 CHAIRPERSON MILLER: Okay. Go
11 ahead.

12 MR. PODGORNIK: All right. In
13 short, none of the solutions offered by
14 opponents of the moratorium are viable in the
15 short-term and history has shown that none of
16 the long-term solutions are ever acted upon.

17 The only viable solution we have
18 to control the effects of over-concentration
19 of liquor licenses is a moratorium. None of
20 the long-term solutions will ever be acted
21 upon unless there is a moratorium in place.

22 It may be a blunt instrument as

1 many opponents claim, but it is the only
2 workable solution that we have in the short-
3 term. Therefore, I ask you to support the
4 petition for a moratorium and to craft one
5 that will address the problems faced by
6 residents closest to liquor licensees while
7 allowing for the growth of eating and drinking
8 establishments at the edges of the zone where
9 they are sparse and nearby residents desire
10 them.

11 CHAIRPERSON MILLER: Thank you.
12 Okay. Yes?

13 MR. WITTELS: Good afternoon. My
14 name is Dan Wittels. I live at 1325 Wallach
15 Place and I'm here to speak in favor of the
16 moratorium.

17 I'm one of the founding members
18 and also on the board of SDCA. Before I start
19 reading this testimony I'm going to submit, I
20 wanted to just make a couple of quick comments
21 about Mr. Silverstein's question.

22 There seems to be sort of this

1 false choice that kind of hovers above the
2 room about well, we are either going to have
3 a moratorium and, in that case, all the new
4 buildings will just be cinder blocked up. The
5 cranes will go down. All the restaurants will
6 shut and that's it, the neighborhood is over
7 with or we let it keep going and everything
8 is, you know, flowers.

9 That's not the case. We already
10 have 16,000 seats here for people to eat and
11 drink and, you know, God forbid they could
12 actually go to another neighborhood and eat
13 and drink, too. I mean, there is a lot of
14 choices in this neighborhood.

15 So really, you know, we lived in a
16 mixed-economy. I understand that the market
17 is a cruel mistress, but, you know, she
18 doesn't run the country. The Government runs
19 the country. And we like to encourage the
20 free market, but the free market needs some
21 constraints. So I would encourage you to look
22 at it from a slightly different lens.

1 Anyway, back to my testimony. One
2 of the other benefits of the moratorium will
3 be it will help move bars and restaurants to
4 under-served areas like Petworth, Columbia
5 Heights, Bloomingdale, all these guys are busy
6 trying to grow their neighborhood the way we
7 were 10, 15 years ago.

8 When I moved in 15 years ago,
9 there was only a handful of these places and
10 we welcomed the new ones. Well, we have
11 enough of those. We are starting to lose
12 valuable businesses here.

13 We have lost over 30 non-liquor
14 businesses. Probably, I think in about the
15 past six years. I used to have a lovely
16 experience if my car needed work, I could take
17 it over to AYT Automotive, walk home, stop for
18 a cup of coffee at Sparky's. Those places are
19 gone now. They are all liquor license
20 establishments.

21 We used to have a couple of auto
22 parts stores, gone. So people talk about the

1 alternatives here and really you have got only
2 a few choices. We can do a BID, people have
3 been trying to do a BID in this neighborhood
4 for years. The businesses don't want to pay
5 for it.

6 You can enforce the ARTS Overlay,
7 so anyway, we started as you have heard and
8 know better than me, 25 percent. So we blew
9 through that and said, oh, that's easy, we
10 will just change it to 50 percent.

11 So the next step is oh, well, we
12 are already almost at, you know, 80 or 90
13 percent, why don't we just change it to 200
14 percent? I mean, you know, it kind of becomes
15 pointless obviously.

16 I would encourage you, too, when
17 looking at this moratorium, don't look at it
18 from a lens of wow, we have to either take the
19 whole circle or nothing at all. It's my
20 understanding that you guys have the ability
21 to carve out pieces.

22 If Logan Circle does not want to

1 be in the moratorium, speaking for myself
2 personally, carve them out. If that little
3 corner from the ANC, the gentlemen here was on
4 the first panel, doesn't want to be in it,
5 carve him out. That's within your authority.
6 We can't do that. We have to deliver a
7 perfect circle and that's what we have done
8 and we did take care in drafting it.

9 And whoever's toes we inevitably
10 stepped on, me personally, I'm sorry. I don't
11 want to tell people what to do in their
12 neighborhood and I don't want people coming in
13 from outside of my neighborhood to tell me
14 what goes on in my neighborhood.

15 ABRA, MPD, the ANCs and the
16 neighborhood associations have very limited
17 resources to deal with this very large issue
18 here. And we just, you know, need to cap it
19 out, so we can deal with what we have, because
20 we are already overwhelmed and I'm going to
21 yield the rest of my time.

22 CHAIRPERSON MILLER: Okay.

1 MR. WITTELS: Thank you.

2 CHAIRPERSON MILLER: Thank you.

3 All right. Ready?

4 MR. PAGE: My name is Russell Page
5 and I have lived in this neighborhood for 34
6 years, the last 24 in my home in the 1400
7 Block of S Street.

8 I'm going to abbreviate what I had
9 planned to say, because it becomes cumulative
10 after a point.

11 CHAIRPERSON MILLER: Yes.

12 MR. PAGE: But I would like to
13 speak in favor of the proposed moratorium. I
14 see this as a quality of life issue. When I
15 came into the room and I saw some of my
16 neighbors who, along with me, were part of an
17 Orange Hat Patrol back in the early '90s. We
18 called ourselves SST, S.1 and T. The issues
19 were different then, but our resolve to make
20 this a safe community and one that serves its
21 residents is just as strong now.

22 I would like to be on record that

1 we are not anti-development or anti-bar,
2 restaurant. In fact, my partner and I took a
3 lot of heat from some neighbors many years ago
4 when we supported Dante and his opening of the
5 Black Cat many years ago. Long before the
6 influence of -- influx of numerous bars along
7 U and 14th Street.

8 Having an active nightlife on our
9 streets is to be desired, but I don't think
10 that the proliferation of liquor licenses
11 should go unchecked. I think there comes a
12 point where the concentration of so many
13 licenses in an area only a few blocks where it
14 becomes a safety issue and that's one of the
15 many reasons I favor the proposed moratorium.
16 Thank you.

17 CHAIRPERSON MILLER: Okay. Thank
18 you. Are there Board questions? I would like
19 to ask Mr. Podgornik. I'm not sure that I
20 have seen everything in the record yet, to say
21 the least, but I would be interested in seeing
22 the recommendations for how the ABC Board can

1 be improved.

2 MR. PODGORNIK: Well, I would,
3 too. That's what --

4 CHAIRPERSON MILLER: Is that
5 something that is really on the record?

6 MR. PODGORNIK: No, that was the
7 resolution. That's in the resolution not
8 supporting the moratorium that was passed by
9 the Dupont Circle ANC. So it --

10 CHAIRPERSON MILLER: It's in their
11 resolution?

12 MR. PODGORNIK: -- says that.

13 MEMBER SILVERSTEIN: I'm sorry?
14 Say that again.

15 MR. PODGORNIK: In the resolution
16 that was passed, against the moratorium, by
17 2B, that is the Dupont Circle Moratorium, it
18 does state in there, I don't know if anybody
19 has a copy of it.

20 MEMBER SILVERSTEIN: Go ahead.

21 MR. PODGORNIK: Well, it did. At
22 least at the draft I saw there was -- in the

1 copy of it, it says that there were -- let's
2 see if I can find the exact word. It shocked
3 me because I couldn't understand what that
4 meant.

5 "It sees positive steps the
6 community should take to ensure a well-
7 functioning ANC and ABC Board."

8 CHAIRPERSON MILLER: Oh, that's
9 it?

10 MR. PODGORNIK: That's it.

11 CHAIRPERSON MILLER: Oh, there
12 aren't any specifics, okay.

13 MR. PODGORNIK: No. Well, that's
14 part of my issue. All of the opponents say
15 that there are other ways to handle this, but
16 they never say what they are. You know, at
17 the listening session, it has been mentioned
18 before, where 40-something spoke against the
19 moratorium, not one of those people said I
20 understand there is an issue. I don't support
21 the moratorium. But this is a solution and
22 this is -- I am willing to help you institute

1 this solution. It was all I'm against the
2 moratorium. And there are other solutions.

3 CHAIRPERSON MILLER: Okay. Yes, I
4 mean, I certainly would be interested in all
5 types of solutions. So to -- I think we call
6 acknowledge there are some problems, some
7 problems at least, you know. So --

8 MR. PODGORNIK: I guess my point
9 is the agencies that are supposed to be
10 address these have not been addressing them,
11 despite constant prodding by citizens and
12 residents to do so.

13 CHAIRPERSON MILLER: Well, that's
14 the other thing I'm always interested in as
15 well, because some of these problems overlap.
16 Certainly when you are talking about parking,
17 that is DDOT. And, you know, the overlay is
18 planning and so it's always good to know what
19 is happening in those areas. Why haven't they
20 worked or haven't they been tried yet?

21 MR. PODGORNIK: Right. Well, the
22 part that I had to skip for time mentioned the

1 RPP Parking Program. I have contacted them
2 once or twice because it wasn't being
3 enforced. I went through the head of the
4 Transportation Committee of my ANC and the
5 response back was they have over 5,200 blocks
6 of RPP Parking and they feel they have been
7 successful if they get somebody out there, one
8 today for 7 percent of those blocks.

9 So that tells you it is not really
10 being enforced.

11 CHAIRPERSON MILLER: Okay. Do you
12 have any other? You look like you might.

13 MEMBER SILVERSTEIN: I just wanted
14 to observe.

15 CHAIRPERSON MILLER: Oh.

16 MEMBER SILVERSTEIN: Usually the
17 quickest way to get a response from the city
18 is to tell them that someone is illegally
19 parked and normally you will get someone there
20 in seconds. I think that's something that we
21 all share.

22 CHAIRPERSON MILLER: Yes.

1 MR. WITTELS: Can I have 15
2 seconds of my time back?

3 CHAIRPERSON MILLER: Yes. Sure.

4 MR. WITTELS: I wanted to say --

5 CHAIRPERSON MILLER: I don't know
6 if it works that way. No, go ahead.

7 MR. WITTELS: To Dante, I'm sorry,
8 I'm not exactly sure how to pronounce your
9 last name, but he was here before I got here.
10 And as he said, he started a successful
11 business and I think that is great. And as he
12 also said, part of the -- he will receive a
13 windfall if there is a moratorium.

14 And I think that's great, too.
15 The people who came in here and opened up
16 businesses years ago, took a chance. Came in
17 here and took a personal risk for their own
18 safety, etcetera, etcetera.

19 They deserve to be rewarded. I
20 have been here 15 years and by chance, I have
21 received a large windfall, you know, on paper,
22 the value of my property. So, you know, to

1 those who take the risk are to get the
2 rewards.

3 CHAIRPERSON MILLER: Okay. I just
4 want to say one thing to that though. I think
5 he was also making the point that what you
6 might get might be worse for the neighborhood
7 or something the neighborhood wouldn't want.
8 Does that concern you like a chain or a bigger
9 club or something like that?

10 MR. WITTELS: Well, I don't think,
11 you know, worse is sort of a matter of
12 perspective. I mean, I would imagine you
13 could probably put his establishment on one
14 side and Applebee's on the other and tell
15 people to line up and you would have a bit
16 long discussion about where they would go.

17 I have my own personal feelings
18 about which I would rather have and it's not
19 Applebee's, but I think that at the end of the
20 day, they are both establishments that serve
21 liquor. They are both establishments that
22 will attract a number of people.

1 And they are both establishments
2 that will have a small percentage of bad
3 actors and that's really the issue here. If
4 you have got 100 restaurants with 2 percent
5 bad actors, you have got 200 bad actors. If
6 you have got 10 restaurants and w percent bad
7 actors my math is not right, just making a
8 point.

9 CHAIRPERSON MILLER: Okay. We get
10 the point.

11 MR. WITTELS: Now, you have only
12 got, you know, 10 bad actors and that is
13 easier to deal with.

14 CHAIRPERSON MILLER: Okay.

15 MR. PODGORNIK: Can I add briefly
16 to the issue, something to that issue of the
17 value of the licenses?

18 Any time you restrict the amount
19 of licenses, it's going to add to the value.
20 So theoretically, with the 50 percent, which
21 is the regulation, that also will increase the
22 value of the licenses. So are they arguing we

1 need to get rid of the 50 Percent Rule?
2 Because once a street is full with 50 percent,
3 another eating or drinking place with a liquor
4 license cannot move on that street.

5 So theoretically, they are already
6 restricted and should be being pumped up
7 because of that. I'm not sure that that's the
8 case.

9 CHAIRPERSON MILLER: Mr.
10 Silverstein?

11 MEMBER SILVERSTEIN: I think the
12 one point that Mr. Wittels may have
13 misunderstood that I was making and I view
14 that -- because you mentioned that you have
15 had a windfall in property values and, in
16 fact, the neighborhood is not going to hell in
17 a hand basket. I think we all understand
18 that.

19 And one of the metrics that we
20 have to use in making our decisions is
21 residential property values. It's in the law.
22 And I mean, I did a little research on that

1 and a couple of people have testified and, you
2 know, went to check out some property values
3 in their blocks. And in one case, up 83
4 percent since 2005, another case where there
5 is a lot of construction going on and stuff,
6 it's only up by about 20 percent and that's
7 probably less than the city average.

8 So it's not something that we can
9 necessarily use to say that it is negatively
10 impacted. And as far as the market, I wasn't
11 saying it was good or bad. It was just, you
12 know, that the market does determine things,
13 whether we like it or not. You know, we can
14 mandate .5 cent hamburgers and sooner or
15 later, nobody is going to be selling
16 hamburgers.

17 So, you know, you can demand
18 things of the market, but the market is still
19 the boss and is a cruel mistress. I think we
20 all understand that and that's where
21 regulation does come in, but you have to be
22 careful not to overreach.

1 MR. WITTELS: I agree with what
2 you are saying and I just wanted to -- just
3 the whole debate of this thing has sort of a
4 history of, you know, it's either we let it
5 keep going the way it is or that's it, the
6 neighbor -- it's going to be 1967 here. And
7 that's just not what is going on.

8 And I'm -- I agree with your
9 assessment of the economics, but I mean, you
10 know, we do -- we regulate all kinds of things
11 here in the District and throughout the
12 country and the reason is to improve people's
13 life. And people work around regulations,
14 but, you know, we have to -- I feel the
15 Government that -- that's what the Government
16 is. It's a -- we have you know the rule of
17 law.

18 MEMBER SILVERSTEIN: Thank you for
19 coming up here. Thank you.

20 CHAIRPERSON MILLER: Okay. Any
21 other questions? All right. Thank you very
22 much.

1 MR. WITTELS: Thank you.

2 CHAIRPERSON MILLER: Okay. The
3 last panel that is -- at least with respect
4 to, you know, those who have signed up have
5 been put on a panel. Gloria Hightower,
6 resident, 1234 Massachusetts Avenue, N.W.;
7 Mary Fellman, resident; Jeremy Leffler,
8 Commissioner ANC-1B; Matt Raymond,
9 Commissioner ANC-2F; and Noah Smith,
10 Commissioner ANC-2B.

11 PARTICIPANT: I stood up as well
12 and received a message back that it had been
13 received and yet, my name has not been called.

14 CHAIRPERSON MILLER: Were you here
15 from the start?

16 PARTICIPANT: I -- from the start
17 of the meeting? Yes.

18 CHAIRPERSON MILLER: What is --

19 PARTICIPANT: I haven't stepped
20 out. I've been here since before the meeting
21 began.

22 CHAIRPERSON MILLER: Okay. So

1 we've got a pretty full -- do we have a full
2 panel here, at this point? Otherwise, you
3 could join this panel.

4 PARTICIPANT: No, no, no, I don't
5 want to take anyone else's place who has also
6 signed up. I just want to make it clear --

7 CHAIRPERSON MILLER: Okay. Sir,
8 you can take a seat here and what I was going
9 to say is that after this panel, I'm going to
10 see who else wants to speak and take other
11 people's testimony.

12 So we are going to start from the
13 Board's right. When you are ready, if you
14 introduce yourself and then you can present
15 your testimony.

16 MR. RAYMOND: Madam Chairwoman,
17 Members of the Board, thank you very much for
18 the opportunity to provide testimony. My name
19 is Matt Raymond. I'm Chairman of ANC-2F,
20 Commissioner for Single Member District 2F07.

21 I am here today on behalf of my
22 ANC and will speak with regard to a resolution

1 we passed unanimously on April 3rd.

2 In short, my ANC speaks with one
3 voice and we ask that the ABC Board deny in
4 its entirety the pending petition to create a
5 Retail Liquor License Moratorium Zone in the
6 Historic 14th and U Street Corridor and
7 decline to move forward with any rulemaking
8 process to that end.

9 Like the song says, accentuate the
10 positive and that's where I'll begin my
11 remarks. Despite the misgivings that we have
12 with this petition, there is no doubt that it
13 has been the catalyst for much needed
14 discussions about the current state and future
15 of our community.

16 There is ready acknowledgement
17 even among petition opponents that some of the
18 problems our neighborhoods face stem from
19 activities that some liquor licensed
20 establishments primarily arising from the
21 actions of a minority of patrons. And there
22 is a renewed sense of purpose that we must do

1 everything possible to mitigate these impacts,
2 albeit short of enacting a Moratorium Zone.

3 At the same time, our constituents
4 have spoken loud and clear that liquor
5 licensees provide desirable amenities in our
6 neighborhoods and on balance the positive
7 contributions outweigh the negatives.

8 ANC-2F has taken a deliberative
9 and considerate approach to its review of the
10 petition, so our advice does not come
11 haphazardly or capriciously. We discussed and
12 received public comments on the moratorium at
13 meetings of both our Crime and Public Safety
14 Committee and our ABRA Policy Committee as
15 well as at three meetings of the full
16 Commission and a joint listening session held
17 March 20th with ANC-1B and 2B.

18 By any perceivable measure,
19 overall community sentiment is strongly
20 opposed to the moratorium as evidenced by
21 comments at the above referenced meetings as
22 well as contacts from individual constituents.

1 At the March 20th meeting along,
2 approximately, 150 people were in attendance
3 with 59 offering public comments. Eight
4 people or 14 percent spoke in support. 49
5 people or 83 percent spoke in opposition. And
6 2 people or 3 percent offered neutral or non-
7 aligned comments.

8 In addition, an on-line petition
9 opposing the petition has attracted more than
10 1,200 signatures. By my count, 85 percent of
11 the signatories report living within ZIP Codes
12 that are at least partially within the
13 Moratorium Zone.

14 ANC-2F has noted no similar ground
15 swell in even remotest terms in support of the
16 moratorium. Proponents included findings from
17 the ARTS Overlay Review Committee in their
18 petition, yet failed to include a crucial
19 passage from the committee's report, which
20 stated that:

21 "Restaurants and bars are an
22 important ingredient in having a vibrant ARTS

1 District. They contribute foot traffic to the
2 ARTS and retail uses and play an important
3 role in achieving a vibrant and safe nighttime
4 street environment."

5 ANC-2F would submit that a
6 moratorium runs precisely counter to these
7 desirable aims. Serious concerns have been
8 raised about the efficacy and advisability of
9 Moratorium Zones elsewhere in the District and
10 whether they contribute to the intended net
11 positive effect of community values, such as
12 retail, diversity and public safety.

13 Indeed, constituents have
14 testified in terms similar to the ARTS Overlay
15 Committee making it clear that the increased
16 presence of liquor licensees has increased
17 their quality of life and a sense of personal
18 safety by adding foot traffic or safety in
19 numbers, not to mention retail sales.

20 In addition, ANC-2F feels that the
21 petition advances a number of dubious claims
22 about issues such as crime rates and

1 enforcement of existing Zoning Regulations.
2 For instance, blanket statements are made that
3 the 50 percent limitation on building
4 frontages occupied by food and drinking
5 establishments is being ignored.

6 By contrary, ANC-2F assiduously
7 monitors its limitation. In fact, just this
8 week I have been in contact with DCRA about
9 its enforcement activities. And keep in mind
10 people are talking about blocks that are in
11 excess of 50 percent. These are blocks that
12 were in excess of 50 percent before the limit
13 was raised from 25 percent.

14 We have not had a single waiver
15 request and I guarantee you that if it were of
16 any significant dimension, we would have posed
17 that.

18 We do feel the current tools
19 exist, such as the aforementioned regulations,
20 reimbursable details, settlement agreements
21 and potentially a BID, which we would
22 certainly support the establishment of and

1 other creative solutions should be pursued to
2 address the negative impacts.

3 You also no doubt have heard
4 concerns about the market distorting effects
5 of moratoriums. We believe that those
6 especially is overly broad as the petition
7 before you would unfairly advantage incumbent
8 businesses and stifle competition, transform
9 licenses into commodities that may cause tens
10 of thousands of dollars pricing local
11 entrepreneurs out of the market, depress the
12 tax base and discourage non-liquor amenities
13 by making neighborhoods less desirable places
14 overall for businesses to locate, a fact
15 specifically attested to by more than one
16 property developer.

17 In other words, the very qualities
18 that make a neighborhood attractive for
19 residents of which dining, drinking and
20 nightlife are indispensable are also things
21 that attract and facilitate the presence of a
22 variety of non-liquor amenities.

1 If I could just finish up here?
2 The bottom line is that supporting this would
3 be a signal that we are willing to see our
4 progress stymied in our neighborhood, to see
5 the baby smothered in its cradle, and we urge
6 the Board to deny the pending petition.

7 CHAIRPERSON MILLER: Thank you.

8 MS. FELLMAN: Good afternoon. My
9 name is Mary Fellman and I live at 1314 S
10 Street, N.W., for about three years. I have
11 been in D.C. since 1971 when I came up to work
12 at and pursue a degree at Catholic University.

13 I belong to the Shaw-Dupont Circle
14 Citizens Alliance, which has been a lovely way
15 to meet people in my neighborhood.

16 I have been retired for about four
17 years. For almost all that time, I have been
18 looking for a part-time job. Indeed, the
19 number of businesses I saw in the area
20 initially gave me a lot of hope that there
21 would be opportunities down the line.

22 I am here today to show my support

1 for the moratorium on alcohol beverage
2 licenses, the Capital Nightclub and Tavern
3 Licenses, as well as the ban on the expansion
4 of service to any adjoining space, property or
5 lot. I urge your vigilance especially on
6 requests that allow expansion.

7 I'll try to be brief, so there are
8 hopefully no unpleasant surprises. My
9 comments will cover support for the moratorium
10 and why, impressions of the area since 1971,
11 only briefly, and some suggestions from a
12 neighbor who wants our neighborhood to be one
13 of the refreshing stops in D.C. and prove that
14 big cities can have safe vibrant interesting
15 places which make healthy living worth the
16 cause.

17 Of the 10 points our association
18 provided us with to support the moratorium, I
19 can emphasize just a couple for the sake of
20 time. Even though I don't have a car, the
21 traffic problems, parking, noise, pollution,
22 etcetera, impact all of us who step out of our

1 doors to live our lives.

2 Who are the staggering, combative,
3 loud people getting into their cars, you know,
4 on a weeknight waking up our children and us?
5 Do we really need more than 110 liquor
6 licenses and 16,500 seats provided for
7 drinking now? Specific crimes within the last
8 month are up 100 and in some cases 200
9 percent.

10 Our association can provide you
11 with the breakdown. When I drove into
12 Washington in 1971, I had to cross 14th Street
13 and go around Logan Circle on my way to
14 Catholic U in northeast D.C. My impressions
15 were mixed and somewhat troubling as I took
16 Rhode Island Avenue to my new start.

17 I found the classical music
18 station just as I rounded Logan Circle and
19 something wonderful was playing. I thought
20 how lucky I was to be coming to live in D.C.,
21 but there was the tawdriness of 14th Street
22 and the shabbiness of Rhode Island Avenue to

1 consider, too.

2 And as you know, things have
3 improved dramatically since the '70s. I would
4 never have chosen to live between 13th and 14th
5 Streets in recent days had there not been
6 terrific changes. But after living here the
7 past three years, it feels like we are
8 slipping back to the tawdry.

9 So many bars, drunk people, trash
10 everywhere, would-be thugs making our walk
11 from house to Metro a nightmare. At our
12 recent neighborhood meeting, SDCA, on May 16th
13 at the Thurgood Marshall Center on 12th, one
14 of our members, I can get you his name,
15 announced he was going to present a motion at
16 our next ANC meeting proposing a committee
17 forum that will work to find ways to bring
18 businesses to our area which will enhance the
19 city.

20 This is wishful thinking right
21 now, but it makes my last point pretty easy.
22 We need a city and neighborhood -- we need

1 city and neighborhood planners who brainstorm
2 on ways to aggressively recruit people for
3 shops, centers, for old and young, theaters,
4 galleries, coffee shops, specialty shops,
5 etcetera, places that enhance the city.

6 We have some problems in our
7 schools. Our jails have too many young men in
8 them and our neighborhood is on the way to
9 offering alcohol as the main commodity. We
10 don't need more alcohol licenses. We can
11 prevent a further monopoly on businesses that
12 don't help us create a safe place to shop,
13 hang out and enjoy life. We need people to be
14 just as resourceful in planning a healthy fun
15 and sustainable place to live as the people
16 who plan to make a bundle in our neighborhood
17 leave town and leave us with the mess.

18 Please, help us. Thank you.

19 CHAIRPERSON MILLER: Thank you.

20 Okay.

21 MR. JOHNSON: Thank you for the
22 chance to speak with you. My name is Doug

1 Johnson. I'm a resident along with my partner
2 Craig Brownstein at 1315 Walnut Place where we
3 have lived since 1988. I will not take all of
4 my five minutes. I did not prepare specific
5 comments but having lived here this long do
6 have some specific thoughts.

7 Ms. Fellman reminds me that
8 neighborhoods are for everybody, for all age
9 groups, for all kinds of families, for people
10 who want all sorts of things, those who want
11 vibrant nightlife and by nightlife I am
12 referring specifically to bars, restaurants,
13 entertainment spots, but also people who like
14 having a post office on their corner or like
15 having that framing shop that is now a bar or
16 like having the one furniture just down the
17 street that is now petitioning to become a
18 bar.

19 In 1988, I think the primary
20 concern of residents here was that we didn't
21 feel safe in our neighborhood. I think the
22 primary concern of many within the specific

1 Moratorium Zone here is that they don't feel
2 that they are welcome in their neighborhood
3 any more.

4 The listening session has been
5 mentioned many times. I find it ironic,
6 because nobody was listening to anybody that
7 night. And how can you in 90 seconds? Just
8 sort of blurting out I think this, I think
9 that, done.

10 And in terms of the intimidation
11 also, the numbers of people who spoke -- well,
12 of course, we have already addressed. I do
13 suspect a lot of those people were not in the
14 Moratorium Zone. Now, do they have a right to
15 speak? Of course they do. But when my
16 partner got up fairly early on to speak in
17 support of the moratorium, he was booed and
18 hissed.

19 Now, do you think that maybe had
20 some sort of chilling effect and altered the
21 so-called listening session? I think it did.

22 I remember Dante's. I loved

1 Dante's. This was at a time when there was
2 Dante's, Polly's and Ben's and that was it,
3 right? Our neighborhood needed a lot of
4 things. Our neighborhood still needs a lot of
5 things. It does not need a lot more bars and
6 restaurants. We have enough. We are
7 exhausted. We are overwhelmed.

8 We cannot to it any more on our
9 own, that's why we are coming to you. If you
10 have heard anything, if there is any listening
11 happening, I hope that those who oppose the
12 moratorium hear that those who support it love
13 the neighborhood just as much and want good
14 things for the neighborhood just as much.

15 But we all have to understand we
16 live together in a neighborhood that means
17 different things to different people. And
18 when we have been told specifically well, if
19 you don't like all the bars, why don't you
20 move directly? We have been called fascists.
21 We have been called idiots. We have been
22 called a lot of other things to our face and

1 on-line.

2 This is not how you build a
3 neighborhood that lasts and sustains itself.
4 So we are asking, we are pleading for your
5 help to help us feel that there is still room
6 for us in our neighborhood.

7 CHAIRPERSON MILLER: Okay. Thank
8 you. Any --

9 MR. LEFFLER: Madam Chairwoman and
10 Members of the ABRA Board, thank you for the
11 opportunity to speak today. My name is Jeremy
12 Leffler. I am a Commissioner for Single
13 Member District 1B02 and the ABC Committee
14 Chairman for Commission 1B.

15 I come to you today to encourage
16 you to consider the sentiment that we
17 Commissioners and the Chairman on the panel
18 here before you deliver to you today, not just
19 simply from a handful or so of organized
20 neighbors that were able to take the afternoon
21 off to show up and speak their opinions.

22 On behalf of 1B and the over

1 24,000 residents that we represent, I deliver
2 to you today the outcomes of the ABC Committee
3 recommendation, which I chair, and the
4 unanimous vote of ANC-1B to oppose this
5 proposed moratorium.

6 The ABC Committee, which I chair,
7 held three meetings on this proposal. I co-
8 chaired a town hall with my colleagues at the
9 table today, again as you heard, with over 150
10 participants from the community speaking with
11 approximately 90 percent of those present
12 speaking in opposition from ANC-1B.

13 We did ask for a sign-in sheet and
14 we did ask where the residents lived, so they
15 are residents that live in 1B that are
16 concerned and opposed to this measure. And
17 with over 90 percent of the proposed
18 moratorium in ANC-1B, I would hope that you
19 consider the weight that that carries.

20 We did hold a final public meeting
21 on this issue at our April ANC meeting where
22 the petitioners presented and there was,

1 again, another opportunity for public comment
2 and sentiment. Again, an overwhelming
3 opposition expressed to this moratorium.

4 Beyond the blunt instrument that
5 the moratorium proposes and the fact that it
6 will do nothing to address the current
7 problems we face, we feel like the petitioners
8 did not take the necessary steps to meet with
9 us in advance of the filing. They did not
10 discuss proposed carve outs or compromises
11 with us. And when approached about
12 compromise, said that they -- that what they
13 filed stands.

14 So it is interesting to hear them
15 talk to you today about compromise, but we
16 were never approached about any compromise.

17 While the Commission is
18 sympathetic to the issues our neighborhood
19 faces, halting future liquor licenses isn't
20 the magic bullet to solve the problems our
21 community faces. We need more police, better
22 management of facilities, street lights,

1 widened sidewalks, enforcement of standing
2 laws and regulations and we are deeply
3 concerned about the unintended consequences
4 that surely will come about if this were to be
5 implemented.

6 Just ask residents in Woodley
7 Park, Georgetown, certain parts of the Dupont
8 Neighborhood that wish development could
9 replace certain establishments that are in
10 disrepair or in need of convenience to nicer
11 restaurants, mixed-use facilities, etcetera.

12 If you talk to the developers in
13 1B, you will learn that there is development
14 coming beyond just liquor licenses and
15 restaurants and nightlife. Developers are
16 signing deals with full service grocery
17 stores, art galleries, movie theaters, things
18 that we need in this community and that also
19 will be applying for liquor licenses.

20 I need to correct a few
21 misstatements also that I heard earlier in
22 testimony.

1 The 1B community hasn't asked or
2 made an overwhelming sentiment to seek
3 voluntary agreements. They have asked for the
4 right balance and they want us to work with
5 business owners and D.C. Government officials,
6 which we stated in our official resolution, as
7 has been provided to you.

8 Additionally, there were remarks
9 made about the change in committee operating
10 procedures. This was to seek balanced
11 representation and encourage full Commission
12 representation for fairness and equilibrium,
13 so that a select group of organized neighbors,
14 who mostly live within a block of each other,
15 and don't speak for the majority of 1B's
16 population, could take up all seats on a
17 committee and vote and clear efforts as they
18 see fit.

19 It is clear from the sentiments
20 expressed at our multiple public meetings that
21 they are -- the public is opposed to this. In
22 hearing the people that spoke today, there is

1 fairly an imbalance of those that have showed
2 up to testify versus the community, again, at
3 whole 1B representing over 24,000 that are --
4 that as a Commission have voted in opposition
5 to this.

6 The committee has always allowed
7 business owners who operate in the community
8 to serve on our committees and we welcome
9 their feedback. Currently, only two business
10 owners sit on the committee that I chair and
11 abstain from matters that would -- that
12 pertain to them or that would be in direct
13 conflict with them.

14 Finally, ANC-1B is protesting
15 establishments that have brought noise issues.
16 The moratorium isn't the only solution. We
17 have dozens of settlement agreements on file
18 and are in the process of negotiating others.
19 The committee I chair is currently working on
20 standards for a balanced approach in the
21 community and we are working with business
22 owners and neighbors to seek the balance and

1 use the tools at our disposal, such as
2 protesting renewals.

3 As you know, we are in high
4 renewal season and the like and strictly
5 viewing each new license with questions that
6 seek balance from the neighborhood.

7 I thank you for the opportunity to
8 speak today and look forward to continuing our
9 efforts to work on measures that will help
10 alleviate the problems our community faces.
11 Thank you.

12 CHAIRPERSON MILLER: Thank you.
13 Okay.

14 MS. HIGHTOWER: Good evening, ABC
15 Board Chair and appointed ABC Members. I am
16 Gloria Hightower and probably unlike anybody
17 that is sitting up here, a native
18 Washingtonian for 56 gorgeous years, I must
19 add.

20 Being that I am who I am, I am
21 here for two -- for a twofolded reason. You
22 know, the interest of the organization for

1 which I co-found has a lot of relations as it
2 relates to U Street with respect to the
3 Lincoln Theater, as well as our business
4 relations with a couple of the great
5 businesses that has been here historically.

6 So I would like to just give my
7 standings now to my ANC-2F Chair of the
8 Commission, Matt Raymond, that I now today
9 after investigating and assessing the facts
10 related to this moratorium have changed my
11 status as a neutral individual, unable to
12 approve or disapprove to the fact of
13 supporting the moratorium for the U Street
14 Corridor as of today.

15 You know, any D.C. resident and
16 for persons that continue to visit our great
17 city can attest that the corridors of 7th and
18 U up to 15th and U down towards R throughout
19 can identify with the multiple diverse number
20 of existing bars and taverns as many blocks
21 truly outnumber the legal required per block
22 radius, in accordance to the District Agency

1 Department of Consumer and Regulatory Affairs.

2 Allow me to further add that when
3 one understands the true definition between
4 the terms Artistic Overlay versus
5 entertainment, this may explain why real
6 performing art outcomes on the U Street
7 corridor are not comparable to the Districts
8 like New York City on Broadway, which
9 accommodate the cultural enrichment,
10 entertainment and education, not that exists
11 mostly on U Street, but do not accept
12 families, children nor youth. And I want to
13 say now, again, do not support family,
14 children nor youth.

15 Since our city officials
16 continuously violate the city laws that they
17 were elected to defend, as it relates to
18 devout disregard for employing less than 51
19 percent of D.C. residents, not excluding the
20 number of black (sound system failure) that
21 equate to 70 percent of the real value of the
22 property's worth.

1 And other (sound system failure)
2 simply unjust. Look at the small number of
3 (sound system failure) children and youth for
4 local, regional and/or visiting families that
5 exist on the U Street Corridor rebuilt for
6 Artistic Overlay, which is outnumbered by the
7 entertainment for adults.

8 The question becomes when will
9 accountability, preservation and expansion be
10 sanctioned for all (sound system failure)
11 impacting our neighborhoods with noise levels
12 based on the extended hours, rodent
13 infestations, (sound system failure) quickly
14 and poor clean-ups that some -- that continue
15 to go (sound system failure) penalties for
16 sanctions are in place truly reflect the need
17 for a moratorium.

18 In closing, in the 21st Century,
19 transformation to respect cultural differences
20 have expired in D.C., rights for sexual
21 preferences, we never said that our family
22 lifestyles would take a second seat to anyone.

1 This evening, I ask that a
2 moratorium becomes a reality in this
3 neighborhood that exists beyond (sound system
4 failure) requirements in the District of
5 Columbia. Thank you, each of you.

6 CHAIRPERSON MILLER: Thank you.
7 Ready? Okay.

8 MR. SMITH: Good afternoon,
9 Chairperson Miller and Members of the Board.
10 Thank you very much for holding this hearing
11 and for your significant and often thankless
12 work on the ABC Board.

13 CHAIRPERSON MILLER: Thank you.

14 MR. SMITH: I am Noah Smith,
15 Commissioner for 2B09, which begins just
16 across the street in the southwest corner of
17 14th and U.

18 I am representing the Dupont
19 Circle ANC today, which has passed a
20 resolution in opposition to the proposed
21 license moratorium.

22 We hope this Board comes to the

1 same conclusion we did. This has been a long
2 process and not one that we took lightly. The
3 Dupont ANC held three publicly noticed
4 meetings on this issue in the last several
5 months, including a joint listening session
6 with ANC-1B and 2F, which brought more than
7 150 neighbors together to discuss the issue.

8 We also posted a draft resolution
9 on our website for comment and wrote a letter
10 to the editor of the Current Newspaper
11 encouraging residents to get in touch with the
12 Commissioner if they have comments.

13 I believe this is a model process
14 for how ANCs should be gathering input and
15 making decisions on major issues.

16 Based on these discussions, ANC-2B
17 believes that the sentiment of the overall
18 community, including residents within and
19 outside of the Moratorium Zone, is opposed to
20 this new moratorium.

21 The ANC found that the new
22 moratorium would be a market distorting

1 mechanism that would unfairly advantage
2 incumbent businesses by transforming liquor
3 licenses within the Moratorium Zone into
4 commodities that may cost tens of thousands of
5 dollars.

6 We also believe moratoria treat
7 all liquor licensed-establishments the same
8 and do not distinguish among types of licenses
9 and between good and bad actors. Instead, we
10 advocate for allowing the ANC and the ABC
11 Board the opportunity to consider each
12 potential application and each licensee on its
13 on merits.

14 To that point, the Dupont ANC has
15 previously been very successful in utilizing
16 existing tools, such as settlement agreements,
17 to help ensure that the needs of residents are
18 appropriately balanced with the desires of the
19 business community to effectively manage
20 noise, public safety and parking concerns.

21 And we have considerable
22 experience to backup our conclusions. ANC-2B

1 has more liquor licenses within its boundaries
2 than any other ANC and we also have two
3 existing Moratorium Zones in our District. We
4 know the positive and the negative effects of
5 a long-term wholesale ban on liquor licenses
6 in an area.

7 ANC-2B believes that other current
8 tools exist and other creative solutions
9 should be pursued to address the concerns
10 raised in the petition and I'll name a few.
11 That includes enforcement of the existing ARTS
12 Overlay, which has been talked about at length
13 today, use of settlement agreements,
14 encouraging reimbursable police details and
15 specialized police units, and a series of
16 dedicated taxi stands in the zone that we are
17 talking about.

18 I should note that I spoke with
19 Assistant Chief Groomes on Monday and she
20 indicated that the 3rd District is slighted to
21 deploy 10 new officers dedicated solely to the
22 14th and U Street area during late night hours

1 starting later this year. Adams Morgan will
2 receive an additional 10 to 15 new officers
3 dedicated for the same purpose in their area.

4 In addition, I want to stress that
5 there is already a cap on food and beverage
6 establishments written in to the law for the
7 area. A Zoning Overlay that is intended to
8 encourage the arts at 14th and U has been in
9 effect for years, but its implementation has
10 been less than perfect.

11 In our resolution, we strongly
12 urge ABRA to develop a formal and transparent
13 process with DCRA and the Office of Zoning to
14 enforce that existing ARTS Overlay. this is
15 a solution that will have a similar impact as
16 a moratorium without commoditizing a license.

17 If there are legal or regulatory
18 changes that should be enacted to allow this
19 Board or the ANC to more appropriately assure
20 peace, order and quiet, we are ready to work
21 with you within your authority and ours to
22 propose those changes to the D.C. Council.

1 Finally, one argument you heard
2 today is that the law allows for a moratorium
3 and so it must be implemented. I do not think
4 that is the case, because the law also
5 provides discretion to this Board and to the
6 ANCs whose opinion you must give great weight.

7 Please use that discretion today
8 and deny this application in its entirety. As
9 you can see by the resolutions and testimony
10 of the affected ANCs, the neighborhood is
11 clear in its opposition to this proposal. We
12 stand ready to work with you more closely in
13 the future to help keep our neighborhood the
14 lively and liveable place it is today.

15 Please, deny this application.

16 CHAIRPERSON MILLER: Thank you.

17 Okay. I want to ask you, Mr. Smith, since you
18 just were speaking. Robin Diener said that,
19 in her opinion, the moratorium in the Dupont
20 Circle area was a good thing. What's your
21 opinion of that?

22 MR. SMITH: Well, first of all, I

1 don't want to speak for the full ANC, because
2 we haven't discussed it yet.

3 CHAIRPERSON MILLER: Right. Okay.

4 MR. SMITH: So I'll speak for
5 myself.

6 CHAIRPERSON MILLER: Okay.

7 MR. SMITH: I think it is time to
8 relax the restrictions on the moratoria in
9 Dupont Circle, particularly the one that has
10 been in effect for 23 years. And I will
11 certainly be letting my fellow Commissioners
12 know that, but, you know, I think there has
13 been a real lack of development, which you can
14 take as a good word or a bad word, right?

15 But I think there has been a real
16 lack of development and turnover in the
17 neighborhood that is healthy for a
18 neighborhood because of a moratorium that is
19 in place. And I fear that that would be the
20 same if it were enacted at 14th and U.

21 CHAIRPERSON MILLER: Okay. I was
22 just, you know, wondering if you drew on your

1 experience with that moratorium when you
2 thought about this moratorium. And I
3 understand that you were speaking for the ANC
4 and not necessarily for yourself.

5 MR. SMITH: Yes.

6 CHAIRPERSON MILLER: But --

7 MR. SMITH: But I should add
8 that --

9 CHAIRPERSON MILLER: -- today --

10 MR. SMITH: -- when the ANC, the
11 full ANC passed its resolution, we spoke at
12 length about the experience that we have had
13 with the two moratoriums in our area, but we
14 were careful to word the resolution to speak
15 directly to this new proposal.

16 CHAIRPERSON MILLER: Okay. Thank
17 you.

18 MR. SMITH: Yes, ma'am.

19 CHAIRPERSON MILLER: Ms. Fellman,
20 I think you mentioned that crime is up.

21 MS. FELLMAN: Yes.

22 CHAIRPERSON MILLER: I don't know

1 what period of time you were talking about,
2 but I assume you were making a correlation
3 between the influx of alcohol establishments
4 and crime and that you could get a breakdown
5 or something?

6 MS. FELLMAN: Yes, at our last
7 neighborhood meeting, we had Robert Miranda,
8 I believe it was Robert Miranda, who gave a
9 report on the crime for the last month. I
10 mean, from the change from last month and
11 there were several statistics of up 100
12 percent and two for up 200 percent, which I'm
13 sorry, I didn't write down, but we can get
14 them for you. Yes, it was staggering.

15 And he made the correlation
16 between disturbances at night, I think, and,
17 you know, following closing of bars and things
18 like that. You know, I'm sorry I don't have
19 those.

20 CHAIRPERSON MILLER: That's okay.

21 MS. FELLMAN: We can get them for
22 you.

1 CHAIRPERSON MILLER: I just want
2 to let you know if you want to submit any
3 further information on that, you are welcome
4 to do that.

5 MR. RAYMOND: Madam Chair, if I
6 might, I mean, we, you know, routinely
7 interface with MPD. Overall crime certainly
8 within our ANC within PSA 307, which
9 encompasses most of our ANC is down, violent
10 crime is down significantly. Every now and
11 again they will come with a report where it is
12 year-over-year or month-over-month --

13 CHAIRPERSON MILLER: Right.

14 MR. RAYMOND: -- and you may have,
15 say, two robberies going up to four and that
16 would be the 100 percent increase. So, you
17 know, you can slice and dice numbers to say
18 crime is up. The trend is clearly down in
19 particular violence.

20 CHAIRPERSON MILLER: I don't think
21 we could judge it based on one month either.
22 It would really have to be longer, yes.

1 I guess, Mr. Raymond, what is the
2 boundary of 2F?

3 MR. RAYMOND: Our northern
4 boundary is S Street.

5 CHAIRPERSON MILLER: Yes.

6 MR. RAYMOND: From the west we are
7 on 15th over to 9th Street on the east and
8 there is a portion that goes over to 7th and
9 on the south end we are down to I Street.

10 CHAIRPERSON MILLER: Down to what?

11 MR. RAYMOND: I.

12 CHAIRPERSON MILLER: I, okay. I
13 mean, do you think that hypothetically there,
14 at some point, may be a saturation period or
15 a tipping point or is it -- I understand you
16 don't think it is now.

17 MR. RAYMOND: Well, you know,
18 again, I think the 50 percent cap is something
19 that should be very seriously enforced and
20 that was --

21 CHAIRPERSON MILLER: Okay.

22 MR. RAYMOND: -- the explicit

1 understanding we had with the ARTS Overlay
2 Review Committee was that they agreed it made
3 sense to increase it from 25 to 50 percent
4 with the understanding that it would be
5 enforced.

6 And again, we have not had a
7 single waiver request and I don't believe, you
8 know, if it were more than very de minimis,
9 would we even entertain that.

10 Now, again, Commissioner Smith
11 said just because the current concentration is
12 sufficient for a moratorium, doesn't mean it's
13 a necessary condition. The proponents have
14 tried to say that it is the most over-
15 saturated, but they have done that on a pure
16 numbers basis.

17 When you take it on a per square
18 footage basis, because of the extremely huge
19 radius, it is far less concentrated or over-
20 saturated than the other moratoriums across
21 the city. Roughly half of what's in
22 Georgetown and Dupont, if I'm not mistaken.

1 CHAIRPERSON MILLER: So you don't
2 have the same view of DCRA with respect to
3 enforcement in the overlay, that we heard from
4 others that it's something enforceable?

5 MR. RAYMOND: I don't. And we are
6 in regular contact with them every time there
7 is a new application or we ensure that they
8 know about it. I don't know what kind of
9 coordination there exists between ABRA and
10 DCRA, for example, so as Commissioner Smith
11 said, if there are some ways that we can, you
12 know, improve procedures or things that need
13 to be improved in the law, we would definitely
14 support that.

15 CHAIRPERSON MILLER: Yes, I think
16 that's a good suggestion.

17 Mr. Leffler, do you have an
18 opinion with respect to how the overlay is
19 working, whether it is working?

20 MR. LEFFLER: Well, I personally
21 don't have an opinion. We have heard from the
22 petitioners that there is concern and that

1 DCRA is not enforcing and we have asked for
2 more information. We haven't received that
3 information back. I plan on having someone
4 from DCRA and ABRA come to our next meeting to
5 talk about this.

6 When ABRA officials came and spoke
7 to us earlier this year, they said that, you
8 know, they just go with what DCRA says. If it
9 -- if the zone says it's over the 50 percent,
10 then, you know, they enforce it. If it's not,
11 then --

12 CHAIRPERSON MILLER: Okay.

13 MR. LEFFLER: -- they don't have
14 to. So it does sound like we need to have,
15 you know, both sides sit down and talk and
16 hear what exactly the issues are here.

17 CHAIRPERSON MILLER: Okay. Other
18 questions? Mr. Silverstein, go ahead.

19 MEMBER SILVERSTEIN: First, Mr.
20 Johnson, thanks, sir, for coming here. I
21 guess in the interest of public disclosure, I
22 have known your partner for 30 years. He was

1 one of the founders of C-SPAN back then.

2 MR. JOHNSON: Absolutely.

3 MEMBER SILVERSTEIN: And your
4 comments about Craig being booed and hissed
5 were a bit disturbing. Do you think --

6 MR. JOHNSON: You probably know
7 that he is not the sort of guy that is going
8 to be, you know, offset by that at all, so--

9 MEMBER SILVERSTEIN: Oh,
10 absolutely.

11 MR. JOHNSON: As he was absolutely
12 not.

13 MEMBER SILVERSTEIN: Do you think
14 that there was intimidation of people who
15 supported the moratorium in the initial?

16 MR. JOHNSON: I think in small
17 cases there have been, yes. And some of this
18 happened on-line.

19 MEMBER SILVERSTEIN: Really, on-
20 line bullying? What a concept.

21 CHAIRPERSON MILLER: Yes, right.

22 MR. JOHNSON: And of course, I

1 think, one of the easy things about on-line is
2 people can remain very anonymous and they can
3 say all kinds of terrible things and not
4 engage. I think when this process began, both
5 Craig and I -- I'll speak for myself.

6 I was agnostic on the moratorium.
7 And I have sort of gone back and forth, you
8 know, over time, well, I'm not really sure,
9 etcetera, etcetera. And I have heard -- I do
10 actually really try to listen to the
11 arguments, those who say this is too blunt of
12 an instrument.

13 There are other alternatives.
14 There are other options. I would simply say
15 if there were, they would have been tried and
16 they would have worked.

17 MEMBER SILVERSTEIN: Okay.

18 MR. LEFFLER: But they haven't
19 because they can't.

20 MEMBER SILVERSTEIN: Well --

21 MR. LEFFLER: But just in terms of
22 the intimidation, at that meeting in

1 particular, was there intimidation? Were
2 people kind of, you know, working to
3 intimidate those who were speaking out? I
4 think being booed and hissed was an absolute
5 intimidation to a number of other people who
6 support it.

7 MEMBER SILVERSTEIN: So didn't
8 want to get up. But the difficult here is
9 that we are trying to determine as part of
10 this, gauging public opinion. And the
11 organization ran one candidate for an ANC
12 position?

13 MR. LEFFLER: I'm not in SDCA.

14 MEMBER SILVERSTEIN: Oh. And that
15 gentleman, that individual did not -- I take
16 that back.

17 MR. LEFFLER: Yes. No, and --

18 MEMBER SILVERSTEIN: I withdraw
19 that. One individual who happened to be a
20 member of that organization ran and
21 unsuccessfully.

22 MR. LEFFLER: Yes.

1 MEMBER SILVERSTEIN: On the other
2 hand, we are required by the Comp's decision
3 to give great weight to the ANC. So I'm going
4 to move now to the questions of the three ANC
5 Commissioners and I don't want to make the
6 other members here feel that I'm bypassing
7 you. This is simply what we have to do.

8 There have been some questions
9 here about the problems in the neighborhood.
10 And yet the ANCs -- it seems the general
11 consensus there is that this comes out of the
12 factory of bad ideas from the Department of
13 Government Overreach and that you all don't
14 want -- feel this goes too far.

15 But, yes or no, do you all agree
16 with the applicants that there are some
17 serious neighborhood problems here? Mr.
18 Smith?

19 MR. SMITH: I agree there are
20 issues, not to the extent stated in the
21 petition.

22 MEMBER SILVERSTEIN: Mr. Leffler?

1 MR. LEFFLER: I agree as well, not
2 to the same extent.

3 MEMBER SILVERSTEIN: Mr. Raymond?

4 MR. RAYMOND: I think the problems
5 are in terms -- you said serious. I think
6 virtually nonexistent in 2F. There are
7 problems, individual problems, yes.

8 MEMBER SILVERSTEIN: Okay. You
9 all at one point or another in your testimony
10 mentioned suggestions of things that could be
11 done short of a moratorium, that could help
12 alleviate these problems. And, you know,
13 okay, let's say them again and get them all in
14 order, the things that you suggested that
15 maybe you have taken steps already that can be
16 positive or have been positive out of the
17 process.

18 And I would like to start now with
19 Mr. Smith.

20 MR. LEFFLER: Is it okay if I go
21 first, Mr. Silverstein?

22 MEMBER SILVERSTEIN: Sure.

1 MR. LEFFLER: I've got to jump on
2 a work call, so I apologize, I'm already late
3 for. But quickly, well, one thing I mentioned
4 that the ABC Committee that I chair is to work
5 on standards. So to think through and we have
6 applied this process during the renewal
7 season.

8 You heard the term bad actors
9 today. Well, what did deem someone a bad
10 actor? How many citations have they received
11 from ABRA, from D.C. police? Have they had
12 Show Cause Hearings, etcetera? How do you
13 start to identify?

14 Because the moratorium does
15 nothing to address the problem we have now.
16 We are upset about the problem we have now,
17 right? All you are going to do is keep more
18 liquor from coming in.

19 So what do we do about the issues
20 we have now? Well, we look at the people
21 that, you know, are harboring gang activity.
22 You saw you revoked the license where the

1 murder happened on 9th Street a couple of
2 months ago.

3 Look at those that have liquor
4 licenses that have a rap sheet with ABRA that
5 have been cited many times with the police,
6 etcetera. We do need more police. You know,
7 we are talking about RDOs. We are talking
8 about a BID. There are -- I'm just trying to
9 find, you know, additionally, in my notes. I
10 mean, we just feel that there are other things
11 that we can work through talking with DCRA,
12 enforcing the ARTS Overlay.

13 There are other levers to pull
14 here that we just feel haven't been exhausted
15 yet or appropriately looked at. Half of our
16 Commission is new, so we are getting up to
17 speed on what exactly exists and the tools
18 that are out there.

19 So we feel that there are tools
20 and levers that can be used. We are committed
21 to looking at and addressing the problems we
22 have today and not thwarting business in a

1 thriving community in the future. Thank you.

2 MEMBER SILVERSTEIN: Thank you.
3 Commissioner Smith?

4 MR. SMITH: Thank you.

5 CHAIRPERSON MILLER: Thank you
6 very much.

7 MR. SMITH: I'll just list a few
8 that I mentioned in the testimony that we have
9 communicated to you in our resolution. First
10 again is the enforcement of the existing ARTS
11 Overlay. This is a moratorium, use of
12 settlement agreements, which we have had, I
13 think, overwhelming success using just about
14 every liquor license application that comes
15 before us, encouraging reimbursable police
16 details and specialized police units in the
17 area.

18 For example, in the 2nd District on
19 Connecticut Avenue just south of Dupont they
20 have what's called a Club Action Team. I
21 talked to Commander Reese on Monday as well,
22 they have a Club Action Team that deploys late

1 at night when the bars and restaurants are
2 getting out for the exact purpose of directing
3 traffic, making sure that people stay quiet,
4 making sure that people get home safely.

5 And then talking to Assistant
6 Chief Groomes on Monday, 10 new officers
7 deployed on U Street for the sole purpose of
8 being a midnight tour on the weekends on
9 Thursday through Saturday for this exact
10 purpose. They are coming out of the academy
11 right now and they are going to get trained on
12 it and deployed by the end of this fiscal
13 year. 10 to 15 more in Adams Morgan.

14 I think perhaps more to the point,
15 Mr. Silverstein, is that what I have been
16 really impressed by is the level of effort and
17 level of commitment from folks on all sides of
18 this issue over the last five months that I
19 have been a Commissioner. And I am struck by
20 the fact that if we took that level of effort
21 and applied it to something a little more
22 constructive like the things we have been

1 talking about today, we may not be facing the
2 issues that have brought us here.

3 And there are folks that are going
4 to say that we tried that and so it's a moot
5 point and so we need a moratorium. I don't
6 think that's the case. I really don't. I
7 think that is very defeatist and, you know,
8 the Government works for us, for the people.
9 The Government works for us. And we need to
10 make sure that the Government is doing that in
11 a way that meets our needs and I don't think
12 they are.

13 MEMBER SILVERSTEIN: Commissioner
14 Raymond?

15 MR. RAYMOND: I think I would just
16 mention a couple of things and, one, I would
17 come back to the idea of a business
18 improvement district. I think it has been
19 very successful in other parts of the city and
20 I don't think it is something that should be
21 dismissed out of hand.

22 I think so far the discussions in

1 the uptown area have been fairly idle and it's
2 something that perhaps we could turn up the
3 heat on a little bit and try to get people to
4 the table.

5 And the second thing, and with all
6 due respect to the Board and with ABRA, we
7 need more help and more cooperation from you.
8 Part of this is a function of the laws that we
9 have and the regulations that we have where we
10 are hamstrung, but I think if you were to take
11 perhaps a stronger hand in areas where we are
12 having problems, it might increase the
13 confidence of the community.

14 So for instance, I'm thinking of
15 one licensee on 9th Street that we have had
16 significant problems with and has taken now
17 over two years to really kind of address it
18 and it has kind of been addressed by just the
19 constant complaints coming at them that has
20 really kind of impacted their business, rather
21 than any sort of regulatory way of addressing
22 that.

1 I mean, there is also mention that
2 we are in renewal season right now. There is
3 another licensee no 11th Street that we just
4 protested the renewal of. The only one that
5 we are protesting the renewal of, there was a
6 murder there two years ago, despite 17
7 different cases against this licensee leading
8 up to that murder and a recommendation
9 afterwards by no less a person, then Police
10 Chief Lanier, that their license be revoked.

11 The ABC Board chose instead for a
12 suspension. In that time since 2011, there
13 have been, I believe, eight separate cases.
14 So this is clearly a bad actor. This is
15 someone who is unable and unwilling to learn.
16 11 different fines totalling \$11,000. I
17 believe eight different assaults occurring at
18 the premises. The murder that had happened in
19 2011 on the premises, the owner was, I think
20 to be charitable, not entirely truthful in his
21 accounting of his management practices and
22 some statements that he made.

1 So instances like that, if we are
2 unable to deal with these bad actors, it is
3 going to increase the pressure for this kind
4 of blunt type of instrument, which is really
5 a derogation of your duties.

6 MR. SMITH: If I could add, Mr.
7 Silverstein, that a moratorium does not
8 address bad actors. The problems we are
9 talking about here will exist the day after
10 the moratorium is enacted, the week after and
11 the month after. All right. So this does
12 nothing except to encourage those bad actors
13 to stay in our neighborhood. It commoditizes
14 their license, puts it up on the open market.
15 It does nothing to get them out.

16 MEMBER SILVERSTEIN: Thank you.
17 Thank you so much. This is a neighborhood
18 where at 3:30 in the morning you can walk down
19 the street and somebody will vomit on your
20 shoes. But it is also a neighborhood where
21 the President of the United States can take
22 the President of France for a chilly half-

1 smoke where Justice of the Supreme Court will
2 choose to live and where people from all over
3 the world come and visit.

4 It is not going to hell in a hand
5 basket. There are problems here. And I think
6 that we have gained perspective here
7 regardless of the outcome. And I want to
8 thank the panel and thank all of you for your
9 service.

10 MS. HIGHTOWER: I would like to
11 say something, if I could.

12 CHAIRPERSON MILLER: Okay.

13 MS. HIGHTOWER: If I can? You
14 know, what I have observed is that to the ABC
15 Board, there is a lot of dialogue that goes on
16 between the ANCs and the various businesses
17 that are in violation of really creating
18 negative impacts on the residents.

19 And I'm saying how long do we
20 allow the dialogue to keep going on with the
21 same business entity year after year after
22 year after year? It is with full, to me,

1 assessment that a moratorium is -- a temporary
2 moratorium is needed until, until the ABC
3 Board intelligently come up with some
4 immediate sanctions and immediate penalties,
5 so that the (sound sytem failure) will stop,
6 because I (sound system failure) ANC meeting
7 of 2F and I have heard about this business
8 over and over again.

9 You go back and you talk about
10 2009, Jesus, it's 2013. How long you keep on
11 (sound system failure) people for the same
12 thing? You know what (sound system failure)
13 and see because (sound system failure) you
14 will give me more respect, but I'm just
15 telling (sound system failure) to really begin
16 to say look, let (sound system failure) to
17 incorporate what Dupont does, but mix (sound
18 system failure) and gentlemen. Thank you and
19 God bless you.

20 CHAIRPERSON MILLER: Thank you
21 very much.

22 (Applause)

1 CHAIRPERSON MILLER: Thank you
2 very much. And I think that we are probably
3 finished with this panel. Thank you.

4 MR. RAYMOND: Thank you.

5 CHAIRPERSON MILLER: Now, that
6 concludes the panels of individuals that
7 signed up in advance. Can I just see by a
8 show of hands how many people would like to
9 testify? Everybody is going to be able to.
10 Okay. So maybe we should start from the front
11 then and fill up the seats here.

12 Do you want a break? Oh, okay. I
13 have had a request for just like a three
14 minute break. And then we will --

15 MEMBER SILVERSTEIN: No.

16 CHAIRPERSON MILLER: No? I'm
17 sorry. No, I'm mistaken. Okay. Let's reset
18 this. So I'm going to start again from the
19 Board's right side when you are ready.

20 MR. MCKAY: Yes, hi, good
21 afternoon, ladies and gentlemen. Dan McKay.
22 I live in the 1300 Block of T Street. I'm a

1 four-year D.C. resident, two years in Dupont
2 Circle and two years in U Street Corridor.
3 Father of two young boys and an active
4 community member, ANC participation, U Street
5 SDCA Civic Association. Thanks for your
6 consideration.

7 I believe we have already talked
8 about some of the key points: Over-
9 concentration, you hear the numbers and I'm
10 not going to go through that. 18 Versus 110,
11 120, there is a lot.

12 A lot of that -- you know, over-
13 concentration also evidenced by the fact the
14 majority of the revelers that come do not live
15 here. I see that every week, every day. I
16 witness overexcited, over-extremes revelers
17 coming in with loud music, going back to their
18 cars.

19 And in the morning days, there is
20 a hangover in the streets, those ones sought
21 after parking spaces are completely empty left
22 with trash and debris, completely empty, even

1 the designated RPP parking places which are
2 supposed to be for residents which clearly are
3 not for residents, because in the morning the
4 residents are at home and the cars are locked.

5 Over-concentration noise impacts.
6 I mean, I have some anecdotal stories here, I
7 have provided here. I guess there is a couple
8 of recent ones that come to mind, the one that
9 was mentioned where, I think, it's the only
10 license in history that I know that has been
11 taken away.

12 I actually was out on the night
13 when that shooting occurred on 9th and T and I
14 was on my way downstairs to ask someone who
15 had the thumping music in front of my house,
16 to please turn the music down when I saw the
17 police cars going. So I went down the street
18 to find out there was an execution in front of
19 row houses. I know the families that live and
20 I know families are moving. That's one.

21 There is another one. Within a
22 month of that, these cars are going up the

1 street on T Street from 13 to 14 stopping on
2 the corner. Again, down the stairs to see
3 what is going on because we have these
4 concerns every week.

5 At 2:00 in the morning normally
6 the Saint Ex that's on the corner there is not
7 spilling out the people. They wait until like
8 3:00 or so, but all the people are spilling
9 out in the street. The street is closed and,
10 you know, you see the normal things, you know,
11 folks going to get pizza, throwing pizza
12 boxes, peeing on the neighbors' houses, things
13 like that.

14 So this sets the stage. This is
15 what we have every week. This is over-
16 concentration. And this is a true safety
17 issue. So you heard some of those things and
18 we could go on and on. I think there is way
19 too many stories like this.

20 MPD has had to intervene in many
21 cases in the past year where they had to
22 actually shut the establishments. You folks

1 are probably well-familiar with that. They
2 had to invoke an emergency cause to shut the
3 places down because of crimes that occurred.

4 This is happening, you know, every
5 other month or every third month we have
6 something like this happening. So you have
7 heard all that. So ask I set the stage, we
8 have parking problems. We have over-
9 concentration problems. We have noise. We
10 have trash. It happens.

11 Now, you know, you also heard that
12 -- that the over -- ARTS Overlay is being
13 enforced. Well, I think it's enforced like a
14 lot of things sometimes. But there is also
15 loopholes in that, which would provide, I'll
16 say, capability to do things that aren't --
17 weren't intended.

18 So for example, basement bars are
19 300 people. And the door is counted as 3
20 feet. You know, when you do a 50 percent of
21 the block face that really doesn't add up very
22 well. You know, you could have, you know,

1 thousands and thousands of people where the
2 intent is to limit the number.

3 So let's move on to, okay, are
4 there actions, you know? I am for this
5 moratorium because I think that the other
6 actions that have been suggested have been
7 pursued and are not viable, not in the short-
8 term and certainly not without this pressure.

9 I don't think that any of the
10 activities that we have seen here, the actions
11 by the ANC, the -- I'll say the urgency with
12 which we have had and the new police presence
13 coming would have been achieved without this
14 effort.

15 So the -- I can also relate one
16 personal thing, I do sit on the ABC Committee
17 that Jeremy Leffler Chairs. We did recently
18 review 50 licenses, 9 of which were put on the
19 bad actor list, not by me, not by a moratorium
20 proponent, but by Mr. Leffler because of ABRA
21 issues. Several of those were voted to
22 protest at the ANC, the full ANC by unanimous

1 vote of that committee and several of those
2 licenses at the ANC were not supported in that
3 protest action.

4 So in fact, were voted to not
5 protest. So I'm just saying that the issue is
6 that the systems while they are working or
7 there is actions to be taken to improve the
8 situation, it's not working and this is what
9 is needed to make real results.

10 CHAIRPERSON MILLER: Thank you.

11 MR. MCKAY: Thank you.

12 CHAIRPERSON MILLER: Okay.

13 MR. HARWOOD: My name is Frederick
14 Harwood and thank you very much for the
15 opportunity to testify. I am the founder of
16 the D.C. Nightlife Association. At one time,
17 I owned a building which is now called Town
18 Nightclub. I developed that. I developed
19 that block. I sold it. I am now out of the
20 industry. I have never been paid, but it is
21 a labor of love for me. It has always been a
22 labor of love to advance nightlife and to

1 advance the quality of life in our
2 neighborhoods.

3 I live in Shaw. I have lived on
4 the 1600 Block of H Street since 1989. And I
5 bought my properties all abandoned on the 2000
6 Block of H Street in 1999. I sold them in
7 2004.

8 I would like to address a couple
9 of specific themes that continue to recur.
10 They have recurred for the 15 years I have
11 been testifying. The first time I learned
12 about the noise problem was from an activist
13 in Adams Morgan who said, as an aside, oh, you
14 should be here at 3:00 in the morning.

15 Well, logical question. Is the
16 problem the number of people who are coming
17 into our establishments or is the problem what
18 happens at 3:00? And I would posit that the
19 problem is what happens at 3:00.

20 All of our customers manage to get
21 into the establishments without upsetting any
22 of the neighbors. We get in in twos and

1 threes and fours and we don't upset the
2 neighborhood. But when they are dumped on the
3 neighborhood at 3:00, yes, there is noise.
4 And at one time before we had soft closings,
5 people couldn't even go back into the club to
6 use the toilet.

7 And so is there urination on the
8 street? Yes. In my 15 or 20 years in the
9 industry, I had never seen defecation. I had
10 never cleaned defecation up off in front of my
11 club nor had any of my employees when I owned
12 the club. So some of these things are
13 exaggerations.

14 As far as bottles go, I get much
15 more trash from the Giant, which is three
16 blocks from my house than we get from the
17 clubs that are close to us. And in any event,
18 our customers are not allowed to take bottles
19 or cans or even drinks out of our
20 establishment. So that on the sidewalk is not
21 our responsibility. It is not -- we don't
22 cause it.

1 The problem is the closing hour
2 and I have also talked about trash.

3 The third thing I want to talk
4 about is safety. It used to be I was afraid
5 to walk down U Street when I moved to this
6 neighborhood in 1989. And a few years ago, I
7 was afraid to walk on 8th Street, N.E.

8 And I would propose any one who
9 thinks safety is a problem to walk down 8th
10 Street before the recent development by Joe
11 Englert and some other brave pioneers.
12 Fascist neighborhoods have eyes on the street.
13 They have residents. They have visitors.
14 They have customers who are keeping their eyes
15 on the street.

16 We have also been -- in addition
17 to -- I should add one more thing about noise.
18 We have asked for tenures since I was on the
19 Restaurant Advisory Committee under Mr.
20 Woodson that establishments -- that buildings,
21 residential and commercial built on commercial
22 streets, such as U Street and 8th Street

1 should put in soundproof windows.

2 This was a problem in Adams Morgan
3 when they built the apartment houses on top of
4 Adams Morgan. They put in no soundproofing
5 and then the residents complained. Well, no
6 kidding. But people we know on -- friends of
7 mine who live on F Street took out their
8 windows. They put in soundproof windows and
9 the noise problem has gone away.

10 We have tried to institute that
11 change. Ms. Bowser is opposed to it, because
12 we were making rules about developers, but in
13 any event, there are other things that can be
14 done to alleviate noise.

15 A third thing I would like to talk
16 about is safety. One more issue about safety.
17 Again for 15 years, we have asked the police
18 department to let us hire policemen in our own
19 establishments. The presence of a police car
20 in front of the establishment, the presence of
21 a policeman in front of the establishment or
22 a policewoman is the safest thing, not only

1 for the residents and the people who visit our
2 places, who deserve to be safe just because
3 they are in a nightlife zone, but it's good
4 for the residents, too, because it's eyes on
5 the street.

6 I have to say that the
7 reimbursable detail who are gained by the
8 police department a little bit, okay, I'll tie
9 it up, and they used the people -- the police
10 details we were paying for to provide police
11 coverage for the entire neighborhood.

12 We would like to keep that
13 coverage which we pay for in our zone.

14 The last thing I want to say
15 concentration is not all negative. When you
16 have concentration, you can concentrate the
17 policing. You have more eyes on the street.
18 You have less traffic. You have less
19 drunkenness. You have less problems in the
20 immediate area. You keep people from driving
21 around after they have been drinking. It is
22 not a total negative.

1 CHAIRPERSON MILLER: Thank you.

2 Okay. Next?

3 MS. SPECK: Hi. My name is Ella
4 Speck.

5 CHAIRPERSON MILLER: I'm sorry,
6 what's your name?

7 MS. SPECK: Ella Speck.

8 CHAIRPERSON MILLER: Okay.

9 MS. SPECK: I actually wonder if I
10 would be able to leave immediately following
11 my testimony --

12 CHAIRPERSON MILLER: Sure.

13 MS. SPECK: -- in order to pick up
14 my small children?

15 CHAIRPERSON MILLER: Okay.

16 MS. SPECK: I'm a 10 year resident
17 in the moratorium boundary. I'm a mother of
18 soon to be 3 and 5 year-old boys. And I'm
19 opposed to the moratorium. I think the
20 process by which the community has been
21 engaged and the effort has been meaningful and
22 as we continue to raise our children on U

1 Street, we look forward to the new bars and
2 restaurants joining the fabric of our diverse
3 and vibrant neighborhood.

4 CHAIRPERSON MILLER: Thank you. I
5 know you are rushing off. Could you just tell
6 me like which street you are on?

7 MS. SPECK: Sure. For five years
8 we lived at 16th and V in The Roosevelt and we
9 built our home at the corner of 10th and
10 Florida. Our address is 990 Florida Avenue.

11 CHAIRPERSON MILLER: Okay. Thank
12 you. You can be excused if you like.

13 MS. SPECK: Thank you very much.
14 Thank you.

15 CHAIRPERSON MILLER: All right.
16 Let me stop this. Okay.

17 MS. ST. CLAIR: Good afternoon.
18 My name is Karina St. Clair and again, I would
19 like to thank you for allowing us to come up
20 and testify, whether we are opposed or for the
21 moratorium.

22 I live at 1336 W Street, N.W., so

1 that's two blocks over from U Street right
2 behind all of the bars and the restaurants.
3 I must say that I do get a lot of spill from
4 people leaving the nightclubs coming to my
5 street, either before they go to the clubs
6 looking for parking or after they are leaving
7 the clubs. I also hear the noise and have
8 some of the problems that have been mentioned
9 today.

10 I'm not going to go through all of
11 those, but I have the same concerns as well as
12 what has been mentioned here today.

13 One of the things that this
14 gentleman mentioned when he talked about
15 patrons going into the clubs, when they go
16 into the clubs they haven't been drinking, but
17 when they come out of the clubs, it's a whole
18 different story. They have had several drinks
19 and their whole mannerism is different.

20 They have no respect to the
21 residents that live in the neighborhood, at
22 that point. And they are loud.

1 The other thing also is that I
2 also attended the town hall meeting. And at
3 the town hall meeting, I also spoke. There
4 were very few of us who spoke in favor of the
5 moratorium. Like I said, which I am in favor
6 of.

7 And I felt that it was the intent
8 for -- to have a large showing of those people
9 who were opposed to the moratorium. Go
10 figure, I don't know how it happened, but it
11 did.

12 I'm also one who attends the ANC
13 meetings. Deborah Thomas is my ANC
14 Commissioner, who never communicates with any
15 of the residents. She never comes beyond 14th
16 -- at 5th -- between 15th and 14th Street. We--
17 she never communicates.

18 None of the -- and I'm sure a lot
19 of the ANC Commissioners have not talked to
20 the residents and asked them how they felt
21 about the moratorium or even explained. The
22 only time we have ever had any meeting has

1 been at the town hall meeting. And I don't
2 think that is right. I think that we as
3 residents should have a voice and should also
4 understand what this moratorium is all about,
5 even though I do.

6 I am also on the ABC Committee
7 with Jeremy and he stated that the two
8 business owners are members and that they
9 abstain from voting. That is not true. They
10 also vote. I am saying this because I am also
11 a member and I also vote.

12 I just want to say that Mr.
13 Silverstein said something about our
14 neighborhood and the fact that Obama came to
15 Ben's Chili Bowl, which I had breakfast at
16 this morning. It's probably the only place
17 where you can really have breakfast, because
18 everything else opens up after 5:00 in the
19 afternoon.

20 And we would like to have
21 something more than that. We would like to
22 continue to have the ice cream places

1 beginning to turn into a tavern for our
2 children. And we would like to have some
3 other places for the families to go to as
4 others have stated and not just for adults and
5 the single teenagers.

6 A lot of the young single
7 teenagers have other options they can go to
8 Adams Morgan and they can go to the H Street
9 Corridor.

10 I just got my nails done today. I
11 take pride in being able to know I can go two
12 blocks and there is a place where I can get a
13 manicure. I used to shop at Urban Essentials
14 which was a furniture store. It is no longer
15 on U Street. They have moved to Rhode Island
16 Avenue. We need more businesses. We need
17 places where we, who are residents who have
18 been here and I have been here since 1993,
19 been a resident Washington since -- for 40
20 years, I know the U Street Corridor. I have
21 always come to U Street.

22 As a matter of fact, and I'm

1 talking fast, you also mentioned the Black
2 Broadway. The Black Broadway was here, but we
3 still do not have strictly just nightclubs.
4 We had jazz clubs. We had clubs. We had
5 restaurants. And we have other things going
6 on. This was strictly a nightclub avenue.

7 And the other thing that I also,
8 I am getting pretty excited, want to mention
9 is that we just want some retails. I lived
10 here and some people mentioned that there is--
11 it's wonderful to have more people on the
12 streets. I have never been afraid to come to
13 the U Street Corridor. I'm sorry.

14 And I'll tell you what. I
15 sometimes am uncomfortable at this date,
16 because when I leave my house and I walk to U
17 Street, I can't even walk on the sidewalk, I
18 have to walk on the streets because there are
19 so many people on the streets, they are drunk.
20 They don't care. They don't get out of the
21 way. It's a combination of all of that.

22 So I don't know. I don't

1 understand why some people say they feel safer
2 with more people on the streets. More people
3 on the streets, I can't even walk on the
4 sidewalk.

5 CHAIRPERSON MILLER: Yes.

6 MS. ST. CLAIR: And I can't say I
7 feel any safer, because most of them are so
8 inebriated or drunk that they don't even know
9 what is going on. They couldn't save me if I
10 asked them to.

11 CHAIRPERSON MILLER: Okay. Thank
12 you. Ready? Okay.

13 MEMBER SILVERSTEIN: Madam Chair?

14 CHAIRPERSON MILLER: Oh, what?
15 Yes. Oops, wait a minute.

16 MEMBER SILVERSTEIN: I would ask
17 you to stop right now and I would ask my
18 fellow Board Members to note it is 4:30. We
19 had given three hours to this hearing. I do
20 not -- absolutely do not want to silence the
21 people who are waiting, but we have another
22 hearing that is scheduled for 4:30, so I would

1 hope that we all abide by whatever the time
2 limits are and move this thing forward, so
3 it's not to push us beyond --

4 CHAIRPERSON MILLER: I know.

5 MEMBER SILVERSTEIN: -- too far
6 beyond.

7 CHAIRPERSON MILLER: Okay. All
8 right. Well, all right. We will have to
9 confer if we run into a problem, but my
10 understanding was this hearing was scheduled
11 first way in advance and --

12 MEMBER SILVERSTEIN: Sure.

13 CHAIRPERSON MILLER: -- we
14 represented to the community that everyone
15 would be heard.

16 So how many people still would
17 like to be heard? Okay. It's not that many.
18 Okay. Let's keep going.

19 MEMBER SILVERSTEIN: Okay.

20 MS. ST. CLAIR: Appreciate it.

21 PARTICIPANT: I doubt if mine is
22 even one minute.

1 CHAIRPERSON MILLER: Okay. No
2 problem. We are fine.

3 MEMBER SILVERSTEIN: We absolutely
4 want you to be heard. We simply ask that you
5 abide by the time.

6 PARTICIPANT: Okay. I don't need
7 five minutes.

8 MEMBER SILVERSTEIN: Thank you.

9 CHAIRPERSON MILLER: Okay. We are
10 over here. I'll start here. You are waiting
11 to go again?

12 MS. DREYFUS: Yes.

13 CHAIRPERSON MILLER: Okay.

14 MS. DREYFUS: My name is Sharon
15 Dreyfus. I live on 12th Place near Cardoza
16 High School. I am a 13 year resident. I am
17 two blocks off of 14th and three blocks off of
18 U. I can walk straight down 12th Place to
19 Ben's Chili Bowl, Ben's Alley.

20 I'm a 13 year resident in the
21 neighborhood. Previous to that, '94 to '98,
22 I lived at 13th and Q in the Logan Circle

1 neighborhood. I have lived on both sides of
2 Dupont Circle, been in the city since 1982.
3 And I'm very active in the neighborhood. I am
4 very active with the U Street Neighborhood
5 Association. I go to PSA meetings, public
6 safety. I'm very active in my little
7 neighborhood area.

8 I am speaking for myself, at this
9 point. I am the owner of the change.org
10 petition that has 1,212 signatures. And I
11 know it has been misaligned, but I don't see
12 anyone lying about where they live or, you
13 know, even knowing the ZIP Code of this place
14 if they don't live here. I don't see that
15 happening.

16 63 percent of the signatures live
17 in the moratorium ZIP, 20001, 20009. And
18 another 19 percent live in 20005, 20010 and
19 20036, which are narrow. So 82 percent of the
20 signers moratorium ZIPs are close by. 94
21 percent are in D.C.

22 I talked to my neighbors, some of

1 them have lived here a long time, some that
2 have lived here a short time. I didn't know
3 anyone at all before the moratorium. I have
4 lived here a long time. I think that I have
5 lived here when 14th Street was scary to me to
6 walk up and down during the dark. Never U
7 Street, but 14th Street.

8 I have seen it change. I have
9 seen it grow. I love it. I mean, yes, we do
10 have problems. Yes, I can't park my car as
11 easily as I used to, but this is what comes
12 with a changing, growing, vibrant
13 neighborhood.

14 So I urge you all to vote against
15 the moratorium, but also try to implement
16 things that will help the people that have
17 most adversely affected by restaurant and
18 bars, also noting that there is 3,500 new
19 residences going in up and down 14th Street.
20 There is new development on 8th and U. There
21 is Development coming at 9th and U around the
22 9:30 Club. There is a lot proposed.

1 And I don't want them not to be
2 able to develop and have amenities over there.
3 Thank you.

4 CHAIRPERSON MILLER: Okay. Thank
5 you very much.

6 MS. ST. CLAIR: You're welcome.

7 CHAIRPERSON MILLER: All right.
8 Okay.

9 MS. de MARIZ: My name is Caroline
10 de Mariz, C-A-R-O-L-I-N-E D-E M-A-R-I-Z.
11 And I am here to ask the Alcohol Board to help
12 protecting my neighborhood. I live on 1315 T
13 Street, so I am asking to help protecting my
14 neighborhood, its residents and its business
15 diversity.

16 I have moved with my family one
17 and a half years ago. We are a family of
18 three. And a family of two was selling their
19 row house to be close to a good public school.
20 We were coming from Dupont Circle and we were
21 looking for some more space with our own
22 parking in a diverse neighborhood.

1 We moved into the 1300 Block of T
2 Street to soon find out that the parking is an
3 issue and we found out other issues. Since
4 our move, we have seen at least a dozen row
5 house families on Wallach and on 1300 Block of
6 T Street, including our ex-ANC Commissioner,
7 that had been living in the neighborhood for
8 years moving out.

9 We have also seen 30 businesses
10 most of which were daytime businesses being
11 replaced by liquor licenses. So we are
12 talking one year and a half time frame.

13 And the reasons that I hear over
14 and over again are clear, it's the noise level
15 of drunken people walking and standing by our
16 house -- your house at night or our house.
17 The trash we have to clean up every morning on
18 our streets after Wednesday, so Wednesday,
19 Thursday, Friday and Saturday and Sunday.

20 The increase of rodents. The
21 increase of price rent. The difficulty to
22 find parking. The increase of broken into car

1 numbers. The number of stabbing, rape and how
2 -- even an execution a few months ago, you
3 know, close to a bar. And the poor level of
4 the public school for our children.

5 The open -- the moratorium mention
6 that there are other tools and so far I
7 haven't heard any tools that they propose. I
8 see that all the people that came here today
9 are really involved in the neighborhood.
10 Either they are for or against the moratorium,
11 all of them are like part of an association or
12 they are doing stuff for the neighborhood.

13 In the town hall meeting, it was
14 striking to see that, I have never seen this
15 before, like never involving anything. And
16 when there is an on-line petition of 1,200
17 people, I am telling you I need a moratorium
18 for my neighborhood. I'm not saying Columbia
19 Heights need a moratorium or Cleveland Park,
20 I mean, I am talking about my neighborhood.

21 I would like them to also respect
22 my neighborhood. What else? So for me, like

1 all the reasons that are mentioned by everyone
2 and everyone agrees on the problems, the main
3 reason is the lack of regulation enforcement.
4 The lack of communication between agencies.

5 And when the ANC Commissioner
6 mentioned that he was more or less offended
7 that he didn't know about the moratorium being
8 filed, I'm sorry, I'm part of the Board of
9 SDCA. We have presented the moratorium many
10 times to the ex-Chair of the ABC Board for the
11 ANC-1B.

12 And it is notorious that ANC-1B
13 was completely dysfunctional, like at least in
14 2012, the ANC Chair was never present to any
15 meeting. So we presented to them. There is
16 no such thing as they didn't know. If they
17 didn't know, it's because they didn't
18 coordinate with themselves.

19 So there is a listing and then
20 about the town hall meeting, I was there, but
21 I didn't speak up, even though I'm for the
22 moratorium, I didn't want -- and I'm not as

1 strong as Craig Brownstein. I don't -- I
2 didn't want to be humiliated in public.

3 So I think that's all. I just
4 would like to thank you for hearing all of us
5 and I hope you will consider the moratorium
6 and protecting us. Thank you.

7 CHAIRPERSON MILLER: Thank you.

8 MS. RICHMOND: Okay. Good
9 afternoon, everyone. Thank you, Members of
10 the Board for giving me this opportunity to
11 speak freely about the way I feel about the
12 moratorium placed on issuing liquor license
13 and I do agree that there should be a
14 moratorium placed.

15 My reason is --

16 CHAIRPERSON MILLER: Excuse me.

17 Did you --

18 MEMBER SILVERSTEIN: Could you
19 give us your name?

20 CHAIRPERSON MILLER: Yes.

21 MS. RICHMOND: Oh, I'm sorry. My
22 name is Glenda Richmond and I'm actually the

1 first for ANC-8C02 back in the '70s when the
2 system was first implemented.

3 MEMBER ALBERTI: Oh, my.

4 MS. RICHMOND: And I have been out
5 of community services for quite a while. I
6 have retired. I'm a retired program
7 administrator for the D.C. Public Schools
8 Headstart Program. I retired about three or
9 four years ago.

10 So it gives me great pleasure to
11 be here to support this moratorium on behalf
12 of nine senior citizens who live, as I do, at
13 The Paul Lawrence Dunbar.

14 CHAIRPERSON MILLER: At the where?

15 MS. RICHMOND: Paul Lawrence
16 Dunbar Senior Citizens Program for Housing
17 right down here at 15th and U Street.

18 CHAIRPERSON MILLER: Okay.

19 MS. RICHMOND: Again, my reason
20 for supporting this moratorium is very simple.
21 It's really because of the noise pollution.
22 And, you know, that's all I wanted to say. I

1 think that the licensing would cut down on
2 intoxicated people once they are discharged or
3 leave the different establishments where they
4 have been served alcohol, you know, that's
5 making all this noise, this would help to cut
6 out the noise completely. So that's my reason
7 for coming here today.

8 And our community, to my opinion,
9 when I first moved there back in June of 2011,
10 I found it to be a very peaceful, quiet,
11 friendly, family-oriented community and that's
12 no longer. And I do believe it is because of
13 the intoxication.

14 These establishments, that's part
15 of the problem helping -- I mean, not helping,
16 but serving people this alcohol and when they
17 come out, they make all this noise. So that's
18 my testimony.

19 CHAIRPERSON MILLER: Thank you
20 very much.

21 MS. RICHMOND: You're welcome.

22 MEMBER SILVERSTEIN: And thank you

1 for so many years of service to our city.

2 Thank you very much.

3 MS. RICHMOND: Oh, you're very
4 welcome.

5 CHAIRPERSON MILLER: Okay. I'm
6 not going to ask any questions this round.
7 Okay. All right. Anybody else? Thank you
8 very much though.

9 MS. RICHMOND: Thank you.

10 CHAIRPERSON MILLER: Okay. Who
11 else would like to speak to this issue? Come
12 on forward. Anybody else?

13 MEMBER SILVERSTEIN: That's it.

14 CHAIRPERSON MILLER: Okay. You've
15 got it all to yourself. Pick a seat.

16 MR. HUDSON: Hi, I'm Lane Hudson.
17 I live on the 1300 Block of U Street. I have
18 lived in the city almost a total of 10 years
19 and that time I have lived on The Hill, Adams
20 Morgan and then moved into the moratorium
21 neighborhood.

22 And I'm late getting here, because

1 I had a number of different things today.
2 Mostly the people -- I have heard the
3 community meeting referenced. A lot of the
4 people that were there aren't here because
5 this is, you know, work daytime.

6 CHAIRPERSON MILLER: Yes.

7 MR. HUDSON: I mean, it's easier
8 for them to get to something in the evening,
9 but I'll summarize. I'll be brief because you
10 guys are saints for sitting here and listening
11 to stuff all the time. And one of my big
12 points about this process is that it requires
13 endless numbers of meetings where citizens go
14 to to be heard at so many different levels.

15 And while on one hand it's like a
16 very participatory form of Government. On the
17 other hand, it is very burdensome for the
18 average citizen. I mean, it's hard enough to
19 make a living and have a life, you know, and
20 then to have to go to meeting after meeting
21 after meeting and spend hours and hours of
22 your time, it's burdensome.

1 And all of these businesses
2 opening up on U Street and 14th, it's even
3 more burdensome for them. I mean, you guys
4 heard the Hanks petition, right? Six people
5 prevented one business from earning hundreds
6 of thousands of dollars and employing people.

7 We've got to balance it all,
8 right? But what I do know is that the
9 majority of the ANCs have heard from its
10 citizens, have had the large group meeting,
11 have had their own meetings and they have come
12 out against this moratorium.

13 It is clear that people who live
14 in the neighborhoods overwhelmingly oppose the
15 moratorium. It is clear that what is
16 happening in this neighborhood is good. It is
17 good overwhelmingly. People are opening
18 businesses. They are employing people. They
19 are bringing people to the neighborhood. We
20 are increasing the population of the
21 neighborhood. We are expanding the tax base,
22 so we can build roads, so we can build bicycle

1 lanes, so we can improve the schools.

2 A few years ago, my landlords
3 upstairs were going to move out of the city
4 because they thought the schools were bad, but
5 now there is an elementary saved by the same
6 neighborhood, probably a lot of the same
7 people that either support or oppose this
8 moratorium, but the thing is they love the
9 neighborhood and they don't want to leave it.

10 And so they are part of a group of
11 parents that are turning the school around and
12 they now have got their second child and they
13 are staying put.

14 And I live -- on my block, too, I
15 see lots of kids with parents and they are
16 growing up and they don't indicate that they
17 are leaving. So many people that left
18 probably cashed in on the improved property
19 values of their houses and then they might use
20 it as a throwaway, oh, well, there was a
21 stabbing two blocks away and I didn't feel
22 safe.

1 At the same time, they made
2 hundreds of thousands of dollars on the
3 improved value of their houses. So let's all
4 keep perspective here and not give in to all
5 of the rhetoric that fuels both sides of this
6 discussion.

7 At the end of the day, what is
8 going on is working and that is being proposed
9 is only going to make it harder to open
10 businesses. It's going to increase the price
11 of entry for these liquor licenses. We see it
12 happening in Adams Morgan. Like we shouldn't
13 do that to people.

14 The free market works pretty well.
15 If someone is having an unruly business, there
16 is a process to have complaints that are
17 addressed and if they don't have a worthwhile
18 business, they are not going to have the
19 customers and they are going to close.

20 So I hope that soon you will come
21 to the conclusion that pretty much everyone
22 else and a overwhelming majority that has

1 participated in this process has as well,
2 which is this moratorium is bad for the
3 neighborhood. It's bad for businesses. It's
4 bad for residents. It's bad for the District.
5 It's bad for the Government. It's bad for
6 everyone involved, even if they don't know
7 that.

8 So thank you for hearing me. Good
9 luck.

10 CHAIRPERSON MILLER: Thank you.

11 MR. HUDSON: I hope soon we won't
12 have any more meetings over this.

13 CHAIRPERSON MILLER: Okay. All
14 right. Anybody else out there who wants to
15 come and speak to the issue?

16 Okay. Well -- who does? Somebody
17 who hasn't been heard?

18 MS. STERLING: Martha has --

19 MEMBER ALBERTI: Martha.

20 CHAIRPERSON MILLER: What is she
21 saying? Okay.

22 (Whereupon, at 4:47 p.m. a recess

1 until 4:48 p.m.)

2 CHAIRPERSON MILLER: Okay. So
3 there isn't anything else coming except we are
4 leaving the record open, as I said before, for
5 anybody who wants to submit anything in
6 writing, particularly if you know people who
7 weren't able to break away from work and come
8 down, we will definitely read whatever is
9 submitted, so they have until or you all have
10 until May 24th at 4:00 to submit any
11 additional material that you would like the
12 Board to consider on this issue.

13 And I also want to thank you all
14 very much. I think we got a lot of good
15 information, I think, and I think that there
16 is some consensus out there as to what the
17 problems are and that there are different ways
18 of addressing it and it was very valuable, at
19 least speaking from my part, to hear what you
20 all thought about how other things were
21 working and not working.

22 And just to consider that while

1 considering the moratorium issue specifically,
2 that those are -- there are other points that
3 are valuable for the Board to hear regardless
4 of how we come down on the moratorium, that we
5 are concerned about the problems that you
6 spoke to and would like to work with whoever,
7 other agencies, ourselves, the community to
8 help solve those problems in whatever way.

9 So that concludes this hearing.

10 Let's see, I need to go get my other folder
11 for the -- we may discuss some of this in
12 closed session, so I'm going to get the rules
13 on that and return.

14 (Whereupon, at 4:50 p.m. a recess
15 until 4:51 p.m.)

16 CHAIRPERSON MILLER: Okay. As
17 Chairperson of the Alcoholic Beverage Control
18 Board for the District of Columbia and in
19 accordance with Section 405 of the Open
20 Meetings Amendment Act of 2010, I move that
21 the ABC Board hold a closed meeting for the
22 purpose of seeking legal advice from our

1 counsel on the 14th and U Street Moratorium
2 Zone and deliberating perhaps on parts of that
3 in closed meeting, which will be then
4 reiterated in public.

5 Is there a second?

6 MEMBER SILVERSTEIN: Second.

7 CHAIRPERSON MILLER: Okay. There
8 has been a second by Mr. Silverstein. Do we
9 have a court reporter?

10 MEMBER ALBERTI: I'm sure he will
11 come back.

12 CHAIRPERSON MILLER: Yes. We
13 don't have --

14 MEMBER ALBERTI: I'm sure. He
15 probably needed a break like some of us do.
16 Court reporters have needs, too.

17 CHAIRPERSON MILLER: Oh, we can do
18 this later. We can do this --

19 MEMBER ALBERTI: Do what later?

20 CHAIRPERSON MILLER: These
21 instructions. We can do it before the -- the
22 hearing is over.

1 MEMBER JONES: He's back.

2 MEMBER ALBERTI: The court
3 reporter is back.

4 CHAIRPERSON MILLER: The court
5 reporter is back.

6 MEMBER JONES: Yes.

7 MEMBER ALBERTI: Were you
8 recording?

9 COURT REPORTER: No.

10 MEMBER ALBERTI: Were you
11 recording when you were away?

12 COURT REPORTER: Yes.

13 MEMBER ALBERTI: He is recording,
14 so we can continue.

15 MEMBER JONES: Yes, you can just
16 read it.

17 CHAIRPERSON MILLER: Okay. So I
18 have a second by Mr. Silverstein. All those
19 in -- oh, no, I'm going to take a roll call
20 vote.

21 Mr. Brooks?

22 MEMBER BROOKS: I agree.

1 CHAIRPERSON MILLER: Mr. Alberti?

2 MEMBER ALBERTI: I agree.

3 CHAIRPERSON MILLER: Ms. Miller
4 agrees.

5 Mr. Silverstein?

6 MEMBER SILVERSTEIN: I agree.

7 CHAIRPERSON MILLER: Mr. Jones?

8 MEMBER JONES: I agree.

9 CHAIRPERSON MILLER: Okay. The
10 motion has passed by a 5-0-0 vote. And I
11 hereby give notice that the ABC Board will at
12 some point discuss this Moratorium Zone with
13 counsel in closed session and issue an order
14 subsequent to that. Okay.

15 MEMBER ALBERTI: We are off the
16 record.

17 (Whereupon, the Moratorium Zone
18 Hearing in the above-entitled matter was
19 concluded at 4:52 p.m.)

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21
22

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