

BEFORE THE
DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL
BOARD

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IN THE MATTER OF:]

West Dupont Circle]

] Moratorium
] Hearing
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Wednesday,
September 17, 2008

941 North Capitol Street, N.E.
Suite 7200, ABC Board Hearing Room
Washington, D.C. 20002

The above-entitled matter convened
at 2:00 p.m. before the District of Columbia
Alcoholic Beverage Control Board.

BEFORE:

PETER B. FEATHER, Chairperson
JUDY A. MOY, Member

MITAL M. GANDHI, Member
NICK ALBERTI, Member
CHARLES BRODSKY, Member
DONALD BROOKS, Member
HERMAN JONES, Member

I N D E X

WITNESSES:

Panel 1

Commissioner Mike Silverstein,
ANC-2B-06. 4

Panel 2

Jonathan Ten Hoopen, Chairman, DC MAP. .33

Edward Grandis, Executive Director,
DC MAP40

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Panel 3 - Invited

Commander Mark V. Carter, Sr., MPD, 2nd
District

Panel 4

Mark Medley-Candis, LLC t/a Mark &
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1 P-R-O-C-E-E-D-I-N-G-S

2 2:00 p.m.

3 CHAIRPERSON FEATHER: The next and
4 last case of the afternoon is West Dupont
5 Circle moratorium hearing. This hearing is
6 not a contested case. This is a moratorium
7 hearing on the request of ANC-2B to amend the
8 existing West Dupont Circle moratorium by
9 adding two additional Class DR licenses.

10 The Board has also received a
11 request from DC MAP that the moratorium be
12 amended to allow for new class CR and DR
13 licenses. The witnesses will be divided into
14 panels which I will get into in just a moment.

15 Each witness on the panel will be
16 given five minutes to make a statement
17 excluding Board questions. The timing will be
18 on the clock there. ANC-2B as the initial
19 requester will go first. On that panel, which
20 is Panel 1, I have Commission Ramon Estrada
21 and Commissioner Mike Silverstein.

22 Would you please introduce

1 yourself, Commissioner Silverstein. Are you
2 representing Mr. Estrada?

3 MR. SILVERSTEIN: Mr. Chairman, I
4 am representing the Commission. My name is
5 Mike Silverstein, Commissioner ANC-2B-06.
6 Part of the moratorium area is within my
7 single member district.

8 Mr. Chairman and Board members,
9 good afternoon. It is good to be here because
10 this is part of a success story and some
11 remarkable cooperation between ABRA, the
12 community, and the licensees in our
13 neighborhood.

14 We are like a lot of neighborhoods
15 that have become popular for dining and
16 entertainment because West Dupont has always
17 been primarily residential. The folks who
18 live in our neighborhood have welcomed the
19 restaurants and clubs just as we have
20 supported the retail amenities on P Street.

21 It's a great neighborhood. It's
22 my neighborhood. It's where I want to live.

1 Those of us who live there aren't like the
2 folks who live next to the airport and
3 complain about the jet noise. We were there
4 first and we strive mightily to make
5 everything work.

6 When we came before you to ask for
7 a moratorium for the West Dupont area, we
8 asked for five years. Our rationale was that
9 would give us time for the streetscape project
10 to be completed, all the work on P Street
11 where they ripped apart the street, put in new
12 infrastructure, put in new sidewalks and
13 caused great disruption.

14 Our rationale was five years would
15 give us time for the streetscape to be
16 completed, time for some of the businesses to
17 recover from the inevitable losses that always
18 surround such a deal. In your wisdom you gave
19 us a five-year moratorium but you put in the
20 provisal that we could or would revisit all
21 this after three years to make any necessary
22 adjustments.

1 Everyone agreed that we wanted to
2 protect the retail spaces on the neighborhood
3 and not to lose the unique feel of the
4 neighborhood. We need our shops. We need the
5 places where we go to buy groceries, the
6 shoemaker, the watch repair people, the two
7 dry cleaners. These are things that make it
8 a walkable, liveable neighborhood.

9 The streetscape project was an
10 experience, Mr. Chairman, that none of us in
11 the community will ever forget. It began in
12 January of last year. They tore up the
13 sidewalks and just as they were finished
14 tearing up the sidewalks we had a deep freeze.

15 Nothing could be done for better
16 than a month because you can't be working on
17 water projects and things like that when the
18 temperature is below freezing. Things got off
19 schedule.

20 Businesses began to suffer and
21 when we learned in July that one of our
22 neighborhood restaurants, Mark and Orlando's,

1 had seen their business on Saturday nights
2 drop by 60 percent, that the owners had been
3 to their attorneys to set up an exit strategy
4 to get out of business, we went around to all
5 the other businesses on P Street.

6 We surveyed them all and
7 discovered that nearly all of them were
8 hurting and hurting badly. We as neighbors,
9 as background, organized a campaign to support
10 our restaurants. We handed out food samples
11 at the Metro. It was all over every local
12 television station.

13 It was in the Washington Post, in
14 our local newspapers. We didn't even let the
15 businesses participate in this. We wanted to
16 do this ourselves so that people wouldn't
17 think they were promoting themselves. This
18 was neighbors only and business picked up
19 everywhere.

20 The only food establishment that
21 had to close during the streetscape was a
22 donut shop. We saved everything else. In

1 fact, it picked up to the point where we now
2 have a peace, order, and quiet problem on the
3 corner of 22nd and P. It's more than just
4 noise. When a number of night spots close at
5 the same hour, there is the problem of too
6 many people leaving and not enough sidewalk to
7 hold them.

8 There is nothing that you can do
9 about this to make it better in terms of
10 building an infrastructure. There has been
11 loitering. People were taking films of it,
12 videos which you may have seen or heard of,
13 and there was some violence.

14 Well, what we did, how we
15 responded to that is something that hasn't
16 been done anywhere else and it tells you
17 everything you need to know about how a
18 neighborhood can work together.

19 We hired a reimbursable police
20 detail to work between the hours of 12:00 and
21 4:00 on weekends. By "we" not just the
22 licensees but the residents of the nearby

1 condominiums together. Instead of going after
2 people's licenses and taking the fight to the
3 Board here, what we did was we got together
4 and decided we would work this thing out.

5 It's not cheap. People are
6 putting in good money on this thing but it's
7 working and both residents and licensees have
8 a vested financial interest in keeping our
9 neighborhood lively, vibrant, welcoming,
10 diverse, and yet under control. That brings
11 us to where we are now.

12 You instructed us three years ago
13 in August to revisit the moratorium to make
14 adjustments if necessary once the streetscape
15 was done. It was completed earlier this year
16 and here we are. There are some locations and
17 some restaurants that suffered during the
18 moratorium that would benefit from the
19 opportunity to serve beer and wine.

20 We have reviewed the situation on
21 the street and we have consoled ourself to the
22 loss of a hardware store and the plant store,

1 but we have also lost a video store, a health
2 food store, and a clothing store. One of
3 those places has already been replaced with a
4 frozen yogurt shop. It's very successful.

5 The plant store is going to be
6 replaced by a coffee and french pastry shop.
7 Hopefully the hardware store will be replaced
8 by a high quality restaurant owned by a good
9 and trusted neighbor with a proven track
10 record. So far so good.

11 We come before you this afternoon,
12 Mr. Chairman, asking that you allow two
13 additional beer and wine licenses but that
14 they not be in the same block. We prefer that
15 they not be under any condominium or apartment
16 residents.

17 That's our preference. Should you
18 grant our request, we will absolutely seek
19 voluntary agreements that they close by
20 midnight. We already have a serious challenge
21 keeping the sidewalks clear and maintaining
22 peace, order, and quiet at 2:00 a.m.

1 To encourage any additional
2 crowding at or near the corner of 22nd and P
3 at those hours would not be the proper
4 management of our public space and would
5 result in those of us who are already paying
6 for a reimbursable police detail to be forced
7 to hired additional police.

8 We ask that you limit the
9 additional licenses to two in order to help
10 maintain some balance between restaurants and
11 clubs on one end and retail and specialty
12 shops on the other.

13 To open a land rush for additional
14 licenses would not be helpful and would most
15 certainly be met with fierce opposition by a
16 lot of community members who frankly aren't
17 particularly thrilled with opening this to
18 anybody. A lot of neighbors do not want any
19 additional licenses because in part of the
20 retail that we've lost.

21 However, we believe that the ANC's
22 request strikes a proper balance seeking

1 licenses with limited hours for beer and wine
2 service for only two restaurants which we
3 would hope and expect to be trusted operators
4 and neighbors of West Dupont. We simply
5 cannot accommodate any additional licenses for
6 operations after midnight in a neighborhood
7 that is already saturated.

8 To conclude, Mr. Chairman, we have
9 worked extremely well with you in the past.
10 Many of you recall our successful effort to
11 get all the licensees on 18th and Connecticut
12 to join in obtaining a trash compactor. We
13 came back month after month. It worked. It's
14 a model for the city and we couldn't have done
15 it without you.

16 The West Dupont moratorium has
17 been an enormous help in our difficult efforts
18 to try to maintain retail choices that our
19 residents need in our neighborhood. What
20 we're saying is that it has worked
21 beautifully.

22 I'm the first one here so I guess

1 I'm the one who gets to say it first. The old
2 adage if it ain't broke, don't fix it. Well,
3 we also believe as you do that you should
4 change the oil and rotate the tires to keep it
5 working.

6 That is what you have instructed
7 us to do by revisiting the moratorium. Mr.
8 Chairman, that is what we've done. I hope you
9 will agree that two additional beer and wine
10 licenses, one in each block of P Street, can
11 be accommodated.

12 Let me close by sincerely thanking
13 you and your staff for your help in making
14 West P Street Restaurant Row a success. Thank
15 you, sir.

16 CHAIRPERSON FEATHER: Thank you,
17 Mr. Silverstein.

18 Let's see if we have any questions
19 from the Board on the testimony.

20 Mr. Alberti.

21 MR. ALBERTI: I'm going to pass
22 for the moment.

1 CHAIRPERSON FEATHER: Oh, I'm
2 sorry.

3 Mr. Gandhi.

4 MR. GANDHI: Commissioner, first
5 of all, thank you for our service. You may
6 know that you have two other -- your colleague
7 is here, your ANC commissioner is here, too,
8 so we do appreciate your service to the ANC.
9 Just a couple of questions.

10 One, you asked for a couple of
11 things that I guess raise an alarm to me.
12 It's not really an alarm but more of a flag
13 and that was really choosing who you wanted to
14 also be a part of your neighborhood and not
15 opening it up in the sense of I can understand
16 from your shoes I have someone who wants to
17 come into your community and you want to make
18 sure that you know them, you understand them.

19 But there is also an openness
20 question saying is this open to everyone and
21 is this fair to others who may want to have a
22 business in your neighborhood and to have a CR

1 or DR license. Could you address that?

2 MR. SILVERSTEIN: Fair question in
3 a difficult situation. This was not an
4 opening so much as it is a tweaking per your
5 instructions to us. We have an understanding
6 that what this would be would be once we have
7 seen what occurred in the streetscape that we
8 would attempt to readjust.

9 We are not saying that you must
10 give to A and you must give to B. What we are
11 saying is we can't accept all -- we think we
12 can deal with two. Frankly, if you all look
13 at the area on Q Street -- on 20th Street that
14 is also part of this and you feel that area
15 which isn't really part of P Street would need
16 something, we are fine with considering that.

17 Our main concern is that we not
18 saturate and that we not in any way squeeze
19 out the retail that the people who live there,
20 and it's a graying community like all the
21 communities in the intercity, that they are
22 able to walk to the stores that they need and

1 not necessarily end up having this become
2 another Adams Morgan where there is --

3 I'm not casting aspersions but
4 just the whole idea that it becomes a club row
5 or a row where there is nothing but licensed
6 establishments but you can't get your dry
7 cleaning done. Also you had mentioned the
8 fact, if I remember correctly, about having
9 them open to midnight only. Is that right?

10 MR. SILVERSTEIN: Yes.

11 MR. GANDHI: That may be addressed
12 through the protest process and through the
13 voluntary agreement process.

14 MR. SILVERSTEIN: Yes, it would
15 but we are putting that out front right now.

16 MR. GANDHI: You're just letting
17 everyone know how you feel. Is that right?

18 MR. SILVERSTEIN: Absolutely.

19 MR. GANDHI: Okay. That's good to
20 know. If I'm in one of these establishments
21 what is the difference between if you and I or
22 if anyone was having dinner or ordering a beer

1 versus, I don't know, a vodka and cranberry
2 over dinner?

3 MR. SILVERSTEIN: We would hope to
4 keep it to early closing restaurants and this
5 is what we're asking for. It's your call.

6 MR. GANDHI: You see where I'm
7 trying to get at.

8 MR. SILVERSTEIN: I do.

9 MR. GANDHI: DR versus a CR. If
10 these are restaurants and you want them to
11 operate "as restaurants" and have a 12:00
12 closing. I was just curious to see why one
13 beer only and not to have a full bar.

14 MR. SILVERSTEIN: We're not going
15 to go war over that.

16 MR. GANDHI: I'm sorry?

17 MR. SILVERSTEIN: We're not going
18 to go to war over that.

19 MR. GANDHI: Okay.

20 MR. SILVERSTEIN: We're
21 reasonable.

22 MR. GANDHI: Okay. This is very

1 important.

2 MR. SILVERSTEIN: We would prefer
3 that they be beer and wine. We would prefer
4 that we are looking at the landscape of the
5 street and we are seeing these as being legit
6 restaurants and this is what we would hope for
7 but we are partners with you.

8 MR. GANDHI: Commissioner, you
9 also had mentioned P Street as a Restaurant
10 Row of sorts as well. Would you or would the
11 ANC mind if two, maybe even three, restaurants
12 wanted to come in? Restaurants. I'm not
13 talking about restaurants that morph into
14 nightclubs.

15 Trust me, I understand that as
16 well. I'm curious. I know that you may or
17 may not have a couple people that you "trust"
18 but would you mind if three restaurants wanted
19 to come in rather than two?

20 MR. SILVERSTEIN: It depends where
21 they were and what they would be. At this
22 point, yes, we would. At this point we are

1 very careful that we don't lose control of the
2 peace, order, and quiet of the street.

3 It has been a bit tenuous simply
4 because of the incidence that -- I would ask
5 you if you had a chance to see any of the
6 videos that the people who were about to
7 protest Marrakesh Palace, fights, people being
8 pushed into sidewalk cafe doors, glass doors
9 being broken, things like that.

10 We are paying to keep these things
11 down. I think our concern is that we can say
12 we don't want a morph but that doesn't mean
13 that we don't find ourselves in a constant
14 vigilant state. We have one case of that
15 right now that is along that area.

16 MR. GANDHI: I understand the
17 vigilance but this gets to the heart of the
18 moratorium because there are ways to -- I
19 don't want to say legislate. There are ways
20 to --

21 MR. SILVERSTEIN: Manage?

22 MR. GANDHI: Manage may be a good

1 word -- new businesses that come into your
2 area to make sure they are not open until --
3 when you talk about the peace, order, and
4 quiet I don't believe you're talking about
5 dinner patrons who are coming in or leaving at
6 9:00 or 10:00 or 11:00. Are you?

7 You are more talking about the
8 after hours, probably 12:00 to 4:00 when you
9 get your reimbursable detail in place. Those
10 are the hours that you are really focusing on.
11 Am I right? In the peace, order, and quiet?

12 MR. SILVERSTEIN: Yes.

13 MR. GANDHI: Okay. So before I
14 ask you my final question, I do want to know
15 a little bit more about the area. I am
16 familiar with P Street. I'm familiar with a
17 little bit about the street scape but not as
18 much as you. Are there any vacant properties
19 right now there?

20 MR. SILVERSTEIN: There are a
21 number of vacant retail properties. There is
22 the property where either the health food

1 store or the clothing store. They were next
2 door to each other. One of them has become a
3 yogurt place and the other is still sitting.
4 There is also a house that was for many years
5 a video place and that's empty.

6 MR. GANDHI: How many do you
7 think?

8 MR. SILVERSTEIN: Those are the
9 two. I would ask if anybody -- oh, yes.
10 Monserrie which is a French restaurant that
11 did close and there is a license that is
12 available there. Those are the three.

13 MR. GANDHI: Keeping the license
14 to the side there, if three new restaurants
15 wanted to come in -- restaurants that close by
16 midnight, and I'm just using that terminology
17 because that's the terminology you had spoken
18 to before -- wanted to come in would the ANC
19 and would you as a commissioner be okay with
20 that?

21 MR. SILVERSTEIN: I really don't
22 know and the concern --

1 MR. GANDHI: That's not the answer
2 I was looking for.

3 MR. SILVERSTEIN: Here is the
4 point.

5 MR. GANDHI: I was looking for an
6 answer.

7 MR. SILVERSTEIN: You're asking me
8 that and it's a fair question. I'm weighing
9 in my own mind what are the losses of retail,
10 what are the losses of choice. Certainly if
11 someone comes into Monserrie, we are wide open
12 to that. Please do. This is a restaurant
13 that failed in part because they never got
14 over the streetscape but also the rent went
15 through the roof.

16 It is a difficult situation for
17 restaurants there. It is not going to get any
18 better with the economy. All you have to do
19 is look at the front page of the paper this
20 morning and we are not headed for smooth
21 sailing. We want to keep as much retail and
22 I think there would be a lot of opposition if

1 we lost anymore of those spaces to anything
2 that involved, again, liquor.

3 Would we be opposed to it? I
4 can't speak for what my fellow commissioners
5 would say. I would want to look and see what
6 was proposed. I've been very friendly to all
7 of these establishments, or tried to be.

8 MR. GANDHI: Commissioner, thank
9 you again for your service and your time.

10 MR. SILVERSTEIN: Thank you.

11 MR. GANDHI: Thank you, Mr.
12 Chairman.

13 CHAIRPERSON FEATHER: Thank you,
14 Mr. Gandhi.

15 Mr. Jones.

16 MR. JONES: Thank you, Mr.
17 Chairman.

18 I know you have alluded to this
19 answer but it's still not clear to me why two.

20 MR. SILVERSTEIN: We want one in
21 each -- well, we are looking at those
22 particular blocks. We are looking at,

1 frankly, a couple of properties that are
2 either on one side of the block. There is one
3 place where two businesses have failed that
4 was previously a licensee.

5 It was Fairfax Market which sold
6 beer and wine and spirits for a million years
7 closed and became a donut place. It failed
8 and now there is a restaurant there that you
9 probably have heard is having difficulties
10 because it is surrounded by other restaurants
11 that all have licenses.

12 We don't know -- we have a
13 difficult situation in that on the other side
14 of the street we don't see anything that is
15 not downstairs from where people live where we
16 are going to get strong opposition. Up on the
17 next block we have the situation where we have
18 one place that hosted the hardware store and
19 the plant store.

20 This was the Blaine Mansion, a
21 beautiful historic structure at the corner of
22 20th and P that was the home of Presidential

1 Candidate and Senator James G. Blaine. It was
2 owned by his 93-year-old son who for 20 some
3 years had given a really cheap rent to the
4 plant store and to the hardware store.

5 When he sold the place it no
6 longer became feasible for a hardware store or
7 a plant store to be in there. They moved out.
8 This is going to be a place that will be in
9 order to succeed there is going to have to be
10 some sort of restaurant in there is what it
11 appears to be.

12 We would like to pave the way for
13 that if we could. These are not necessarily
14 where we are putting it but we believe there
15 should be two licenses because there are
16 clearly two business plans here that we don't
17 think can succeed without licenses.

18 MR. JONES: Okay. And in terms of
19 the --

20 MR. SILVERSTEIN: Above all, we
21 think that the neighborhood can absorb these
22 two as long as it is within the structure of

1 understanding that they can't stay open to the
2 same hours as the clubs and contribute to that
3 and we are certain they don't morph into that.
4 It's difficult to manage.

5 We are in a situation where you
6 have asked us to tweak and this isn't creating
7 a new moratorium. This is to make
8 adjustments. How do you make an adjustment --
9 I ask all of you for ideas. How do you make
10 an adjustment without targeting it and without
11 creating a land rush? We are doing the best
12 we can.

13 MR. JONES: And you also mentioned
14 you had some concerns about peace, order, and
15 quiet?

16 MR. SILVERSTEIN: Absolutely.

17 MR. JONES: The peace, order, and
18 quiet you feel like will not be affected by
19 these two and only two additional CR licenses
20 because you are going to have the requested
21 12:00 closing time?

22 MR. SILVERSTEIN: Yes.

1 MR. JONES: How have you come to
2 that conclusion?

3 MR. SILVERSTEIN: We have come to
4 that conclusion because virtually all of the
5 police calls that we've had deal with closing
6 time. That 2:00 or 3:00 closing time, if
7 they're not involved with that, and frankly
8 that was part of the CR and DR situation, if
9 we get them closed two hours before any of
10 these other places, you're not going to have
11 the problems of too many people out on the
12 sidewalk.

13 These are restaurants and we'll
14 make sure they remain restaurants. By having
15 them close at that hour they are not going to
16 be dealing as clubs, as late-night clubs.

17 MR. JONES: Thanks, Mr. Chairman.

18 CHAIRPERSON FEATHER: Thank you,
19 Mr. Jones.

20 Yes, Mr. Brooks.

21 MR. BROOKS: Thank you, Mr.
22 Chairman.

1 Good afternoon, Commissioner.

2 MR. SILVERSTEIN: Good afternoon.

3 MR. BROOKS: Just one question.

4 Would that be an impact on the parking
5 availability if he had two additional
6 facilities, licensees?

7 MR. SILVERSTEIN: No doubt. One
8 of the things that for a time I did not
9 mention we became involved as a community and
10 we have set up a community-wide valet parking
11 for \$5.00. At this point we are using the lot
12 behind the PNC Bank at the circle.

13 MR. BROOKS: Yeah, I read about
14 that.

15 MR. SILVERSTEIN: We have an MOU
16 ready to go with the Francis School if this
17 thing becomes bigger come next year where we
18 will be able to use their lot and that will be
19 money that will go into the principal's
20 discretionary fund to help the students there.

21 Again, as a community working
22 together, that was a terrible problem if you

1 read through the moratorium hearing. We were
2 able to secure \$50,000 from the city thanks to
3 the efforts of Councilman Quame Brown and Jack
4 Evans and the valet parking program is under
5 way.

6 We are doing a whole lot better
7 with that. There are still always going to be
8 people wanting free spaces on the street.
9 There is always going to be too many cars and
10 not enough parking spaces but we've made a lot
11 of progress on that, sir.

12 MR. BROOKS: Thank you, Mr.
13 Chairman.

14 CHAIRPERSON FEATHER: Thank you,
15 Mr. Brooks.

16 I just had one question. It may
17 be answered but I want to put it another way
18 to see. This question isn't necessarily fair
19 but once you disappear and your panel is
20 through, it's hard to call you back under our
21 process here so I'm going to ask you this
22 question ahead of time. What is ANC-2B's

1 position on the request of DC MAP to lift the
2 moratorium on Class CR and DR licenses?

3 MR. SILVERSTEIN: We oppose that
4 for a number of reasons the first of which is
5 that we don't want this land rush. We feel we
6 want to limit the number. We want to tweak
7 it. If you feel of there are reasons to
8 believe that there might be an additional
9 license or two here or there, we are far more
10 amenable to that.

11 We feel there would be citizen
12 outcry that a lot of the people who rushed
13 forward to save the restaurants and joined in
14 these efforts and supported us through that
15 would feel -- they did so because they wanted
16 to keep their friends and they did not want a
17 situation where the neighborhood would become
18 nothing but licensed establishments.

19 We would not at this point support
20 anything beyond a tweaking, beyond adjusting.
21 When the moratorium is over if we want to
22 bring that up at that point, we could revisit

1 that but we did not feel this was the reason
2 we were brought back here after three years.

3 CHAIRPERSON FEATHER: Thank you,
4 Mr. Silverstein. We appreciate your testimony
5 today. Thank you very much. It has been very
6 informative. Tell Chairman Estrada we missed
7 him but you did a great job of representing
8 the ANC. Thank you.

9 MR. SILVERSTEIN: Thank you, Mr.
10 Chairman, and I sincerely invite you all to
11 West P Street Restaurant Row. There are some
12 great restaurants there of great, great
13 variety and terrific food. Thank you.

14 CHAIRPERSON FEATHER: Thank you.

15 The next panel is Ed Grandis,
16 Executive Director of DC MAP, Jonathan Ten
17 Hoopen, Chairman of DC MAP, and Joel Lawson,
18 President, Dupont Circle Citizens Association.

19 MR. GRANDIS: Good afternoon.

20 CHAIRPERSON FEATHER: Good
21 afternoon.

22 MR. HOOPEN: Good afternoon.

1 MR. GRANDIS: I have the testimony
2 if I could hand it out.

3 CHAIRPERSON FEATHER: Thank you.
4 We would like to ask you to do the best you
5 can to adhere to the five-minute rule. We try
6 not to be too hard on that rule but just for
7 the sake of everybody's peace of mind and
8 sanity we try to get through this in a
9 reasonable period of time.

10 MR. GRANDIS: You are asking that
11 for each of us.

12 CHAIRPERSON FEATHER: Yes, each.

13 MR. GRANDIS: I think that is
14 easily managed.

15 CHAIRPERSON FEATHER: It's not my
16 intention to cut you short. Let's put it that
17 way.

18 MR. GRANDIS: Good afternoon. My
19 name is Edward Grandis. I'm a resident of
20 D.C. I'm an attorney in D.C. I'm a resident
21 of Dupont Circle. I'm here today in the
22 capacity of Executive Director of the Dupont

1 Circle Merchants and Professional Association.

2 Many people know it as DC MAP.

3 With me today is our chairman who

4 I would like to introduce and he will start

5 off the testimony with the testimony of the

6 organization and then I'll have some comments

7 to follow which I think we both will be less

8 than five minutes.

9 Jonathan.

10 MR. HOOPEN: Good afternoon

11 Chairperson Feather, the Board. My name is

12 Jonathan Ten Hoopen. I'm speaking today as

13 chairman of Dupont Circle Merchants and

14 Professionals Association known as DC MAP. DC

15 MAP is a tax exempt 501(c)(4) voluntary

16 business association representing commercial

17 property owner, businesses, and professional

18 offices within the Dupont Circle commercial

19 areas.

20 DC MAP was incorporated March 25,

21 1993, as a nonprofit corporation in the

22 District of Columbia. I am a resident of

1 Dupont Circle and the District, general
2 manager of two restaurants in the Dupont
3 Circle neighborhood. With me today, as you
4 know, is Ed Grandis, our attorney and our
5 executive director.

6 The West Dupont Circle moratorium
7 zone is largely a commercial zone including
8 several hotels. On P Street, N.W. the Kimpton
9 Group recently completed refurbishing the
10 Hotel Palomar Luxury Boutique Hotel, and
11 across the street is the Marriot Residence
12 Inn.

13 The residential component of the
14 block is mostly condominiums and high-rise
15 buildings operating mixed commercial and
16 retail businesses on pedestrian floors.

17 Today you'll hear from businesses,
18 residents, and property owners. We all want
19 a vital prosperous commercial business center
20 serving the residential community. The
21 concern for the health P Street businesses
22 will be expressed. We appreciate the

1 opportunity to present our petition and
2 welcome the opportunity to respond to your
3 questions.

4 You may hear testimony that our
5 petition will increase late-night noise. As
6 DC MAP has stated before to this Board in the
7 past, we do not support late-night disruptive
8 noise and do not support additional
9 establishments that cater to such activities.

10 Nightclubs are not part of the
11 discussion today and should not be used to
12 confuse the simple fact that CR and DR
13 establishments do not contribute to late-night
14 noise.

15 We ask that the Board eliminate
16 from consideration testimony that is not
17 relevant to what we are seeking, permission to
18 allow long-standing food establishments to
19 offer wine, beer, and spirits and to allow
20 conversions of DRs to CRs.

21 We concur with positions stated by
22 this Board that a moratorium is not meant to

1 be in place forever. Fourteen years is a
2 significant period of these restrictions and
3 has become outdated. All the same arguments
4 asserted 15 years ago, eight years ago, and
5 three years ago and now today underscore our
6 position.

7 When you place all the rhetoric
8 you will hear today in perspective, DC MAP and
9 the businesses within the moratorium area are
10 only requesting a fine tuning of the ongoing
11 moratorium. The arguments for allowing new DR
12 and CR licenses in existing DCRA licensed
13 restaurants are quite simple.

14 These food establishments have
15 existed on the P Street corridor for years.
16 Without beer and wine these establishments
17 cannot compete with neighboring DR and CR
18 licensees with similar menus.

19 After 14 years this adjustment
20 would simply allow for marketplace adjustment.
21 Allowing a DR or CR license opportunity will
22 create healthy competition and help to

1 stabilize these businesses.

2 Perhaps the most compelling
3 rationale for supporting our request is the
4 significant and negative economic impact a
5 long construction period to complete the P
6 Street streetscape project had on the
7 businesses. This project which lasted over a
8 year created a significant hardship on the
9 residents and businesses in the area impacted.

10 Several businesses closed during
11 the construction period. Some were food
12 establishments. However, some non-ABRA food
13 establishments held on to reduce customer base
14 which has not recovered. These businesses
15 should be encouraged to expand their services.

16 DC MAP is very concerned about the
17 motion passed by ANC-2B requesting the
18 relaxation of the moratorium for two
19 handpicked establishment, Pizza Paradiso and
20 Aioli.

21 This will allow a new food
22 establishment to jump ahead of the long-term

1 food establishments on the same street and
2 allow the other businesses to obtain a second
3 ABRA license before others even have an
4 opportunity to apply for their first.

5 If the Board ruled that only two
6 new licenses are allowed within this
7 moratorium zone, it is setting a standard
8 whereby the ANC will in the future dictate who
9 was rewarded in a moratorium zone. This is
10 not the intent of the moratorium statute and
11 it does not allow for this.

12 The Board needs to know that these
13 two establishments have prepared applications
14 to be submitted today if possible to the Board
15 if the Board allows just two licenses to the
16 detriment of the other establishes that were
17 not contacted by the ANC.

18 DC MAP would ask the Board to
19 eliminate the prohibition against DR and CR
20 licenses. The ANC may decide not to support
21 particular applicants or adopt voluntary
22 agreements. However, the ANC should not be

1 able to use a moratorium process to reward a
2 select few.

3 One possible unintended
4 consequence of allowing one business to hold
5 two licenses on the same block is the windfall
6 profit that business receives if it decides to
7 sell one of the licenses when it expires.

8 Recently a CR license in the West
9 Dupont Circle moratorium zone sold for
10 \$350,000. Okay? Does ABRA want to amend the
11 moratorium allowing one business to profit
12 from the sale of a second license while
13 prohibiting others in the moratorium zone from
14 seeking a license.

15 Based on the foregoing reasons we
16 respectfully request the Alcoholic Beverage
17 Control Board accept into the record this
18 testimony and adopt our petition to request
19 that new DR and CR licenses be allowed. The
20 ANC, community, and food establishes will
21 again be on a level playing field to decide an
22 ABRA application for beer, wine, and spirits

1 in an open and fair environment.

2 However, if ABRA is inclined to
3 accept only the ANC-2B request of just two, we
4 support DCCA's position to allow this
5 moratorium to continue without amendment, let
6 it expire, and we'll revisit it at that time.

7 CHAIRPERSON FEATHER: Thank you,
8 Mr. Hoopen.

9 MR. HOOPEN: Thank you.

10 CHAIRPERSON FEATHER: Mr. Grandis.

11 MR. GRANDIS: Thank you. I want
12 to thank Jonathan for a very fine presentation
13 of DC MAP. I just have a few comments that I
14 would like to take time to give the Board. To
15 many of you I am probably a new face but to
16 some of you I'm quite an old face. I probably
17 could be an AARP member but I didn't move to
18 DC as one.

19 You all should know I used to be
20 an ANC commissioner in Dupont Circle for three
21 terms. I would not have gotten re-elected if
22 the residents did not think I had some

1 worthiness to represent their viewpoints.
2 What I'm going to state now is I hope it
3 allows those who don't know history of this
4 area to take a moment when you all do your
5 serious deliberations to take a look at this.

6 I was on the original ANC that
7 adopted the moratoriums for the West Dupont
8 Circle moratorium zone and the East Dupont
9 Circle moratorium zone so I haven't had a
10 lobotomy. Okay? I'm not here today as the
11 attorney and executive director for DC MAP
12 saying we don't support moratoriums.

13 The past orders that you all have
14 issued reflect that we do but what we look for
15 today is equity and fairness. What this ANC
16 has done has really put us into a somewhat
17 combative position where we would like not to
18 be. Okay? If you all don't know this
19 history, it's in your record because they
20 submitted a letter dated May 15, 2008, that
21 set out what they wanted to accomplish here.

22 If you all take the reduced

1 language that they have said today where they
2 just want one per block, and not aware of what
3 they have negotiated in private without the
4 public and typically other businesses being
5 made aware of it, really does not speak well
6 to the process of what the moratorium is all
7 about. That is why we are here today.

8 We hope you all will seriously
9 understand what is going on here. Next, this
10 moratorium has been in place 14 years. The
11 last time I was in front of you all the Board
12 seemed to concur that moratorium by definition
13 don't last forever. We're not here today to
14 say get rid of all nightclub licenses.

15 We're not here today to get rid of
16 it on CT and DT licenses but we are here today
17 saying maybe because of where we are with some
18 vacancies on that street, maybe for three
19 years, not five years. Maybe we would have a
20 three-year moratorium, to let it be opened up
21 to get some fresh competition on what the ANC
22 has said is a new Restaurant Row.

1 Now, you've all heard about some
2 vacancies today. Let me tell you I don't have
3 that here and I can provide in writing some
4 factual information from realtors. Some of
5 those faces will not be leased for CR and DR
6 because of these old historic buildings you
7 can't get hoods in them and you all understand
8 that.

9 Without a hood you can't be a
10 restaurant. We're not trying to beat the
11 camel's nose here. We don't have any ulterior
12 motive. We are only here because of the way
13 the ANC approached this issue.

14 We really want you to be mindful
15 that there are opportunities here if we had a
16 few years to relax the moratorium on CRs and
17 DRs to really give that neighborhood what it's
18 asking for which is a really outstanding
19 Restaurant Row.

20 Next, there is nothing in the
21 order that you all gave us three years ago
22 that asked us to come back in three years. I

1 have that order in front of me and we keep
2 hearing from this ANC that the only reason
3 they are here today is because this Board
4 asked us to come back in three years.

5 That never was put into the order
6 and the order is what we go with so I don't
7 know where that fiction comes from but I hope
8 you all as new Board members don't feel
9 compelled that we have to do it now.

10 Once again, DCCA is here today
11 saying, whoa, they got caught up in this late
12 and perhaps what they would like to see is
13 just to wait this out and come back in two
14 years where we have an opportunity to know
15 it's going to expire and as a community try to
16 work it out to come back.

17 We have several businesses in the
18 neighborhood such as SoHo which you'll hear
19 from so I'm not going to speak on their behalf
20 but they really are excited by the opportunity
21 of being able to expand their coffee business
22 to compete with the new emerging wine business

1 as we all know has become very trendy in
2 Washington in the last few years.

3 Having a nice wine selection and a
4 coffee shop with controlled hours with a
5 voluntary agreement which we say in our longer
6 testimony that we support voluntary agreements
7 if they are rational. We're not saying a
8 blank check but something like a SoHo could be
9 a real added benefit to that neighborhood to
10 have some fine wines with their nice coffees.

11 In summing up, I want to thank you
12 for letting me make some notes and to address
13 some of the issues that I heard today. We are
14 very, very delighted that you all accepted our
15 petition. We are very delighted that we are
16 hear today to have a first conversation about
17 this.

18 If there are any questions that
19 you have for Jonathan or myself, we welcome
20 them. If we don't have the answers, we'll get
21 the research. We just hope that we don't make
22 decisions on subjective values such as, oh,

1 late night noise disturbances which we do have
2 but they don't come from CRs and DRs. I don't
3 think anyone can document that.

4 The two establishments they do
5 talk about we well know are both CTs. Okay?
6 They are not CRs and DRs. We really are
7 concerned about late-night noise. Let's not
8 deal with subjective opinions. Let's deal
9 with some objective facts. With that I want
10 to thank you all for letting us be here. We
11 hope this has been helpful to you all and we
12 welcome your questions.

13 CHAIRPERSON FEATHER: Thank you
14 very much. Before we go to questions, let's
15 hear from Mr. Lawson if we could and then
16 we'll have questions of the whole panel either
17 individually or collectively at the Board's
18 wishes.

19 MR. LAWSON: Thank you, Mr.
20 Chairman. Good afternoon, Chairman Feather,
21 and members of the Board. My name is Joel
22 Lawson and I serve as president of the Dupont

1 Circle Citizen's Association. I would like to
2 make a very quick preface.

3 As I have told anyone willing to
4 listen, I have placed as my highest priority
5 in this public service the following goal and
6 that is to bridge any divide that may exist
7 between residents and businesses. In many
8 ways we are all in the same boat now facing
9 economic and public space challenges together
10 as a community.

11 It is in that spirit that I have
12 remained in constant contact with everyone you
13 have heard from today as late as yesterday and
14 especially over the last 48 hours seeking
15 solutions and amity wherever possible and it
16 is the spirit in which I join today's
17 proceedings.

18 Now, to the specifics at hand.
19 The question that comes to our mind as an
20 organization is this. What specifically is
21 wrong with the current situation today. What
22 is wrong with the balance that has been struck

1 with the new and hopefully growing amity
2 between independent businesses and residents.

3 We have survived the P Street
4 streetscape with unprecedented cooperation and
5 support between the businesses and residents.

6 We seek cooperative management of the public
7 space. It's a de facto public safety plan
8 that is working.

9 We see a street that while sadly
10 having lost much-loved retail remains an
11 arguably rare strip of mostly independent
12 businesses facing a tremendously sensitive
13 time over the next year or so in light of the
14 very dire economic news that unfolds as we
15 meet here today.

16 P Street and the entire area under
17 the moratorium is working, working together in
18 a real sense of community. I would strongly
19 encourage members of the Board to, of course,
20 consider who before them is offering a solid
21 plan to manage the externalities or manage the
22 public space, if you will, of what they have

1 proposed here today.

2 I have been so pleased in my
3 conversations with business persons and
4 decision makers in the District to hear of
5 your emphasis, Mr. Chairman, in encouraging
6 great public safety plans and other efforts at
7 proactively addressing management of the
8 public space. Such an emphasis is a proactive
9 salve upon old wounds and frictions between
10 businesses and residents and I am deeply
11 appreciative of that approach.

12 Commissioner Silverstein has
13 testified to the details. He deserves great
14 credit for them of efforts to bring businesses
15 and residents and the DC MPD together to
16 manage the public space. We do not have a bid
17 for this area in question. I certainly hope
18 we will continue to work for such a goal
19 together and we do have ongoing conversations.

20 In the meantime today we have a
21 situation on P Street where potentially
22 dangerous mixes of late-night crowds, alcohol,

1 and the good times that always come with
2 enjoying a night out, myself included, have
3 largely been managed to the benefit of
4 everyone.

5 Simply put, we implore the Board
6 to ask of parties testifying here today are
7 you considering the cost of what you propose.
8 The businesses are today participating in
9 what is by all accounts a very successful
10 utilization of the reimbursable details.

11 Opening the moratorium broadly
12 could cause the good times on P Street to
13 spill beyond the capacities of the current
14 system whereby the public space is being
15 managed.

16 P Street's public safety plan as
17 it were is working today opening the
18 moratorium broadly would naturally risk
19 greater demands upon that public safety plan
20 which means a greater burden upon either the
21 reimbursable detail and/or regular service
22 from the DC MPD.

1 While we could always prefer
2 more from them, the DC MPD is doing their
3 best. There simply does not appear to be a
4 reasonable expectation that we can snap out
5 fingers and receive a significant increase in
6 DC MPD presence, especially when other
7 neighborhoods of the District face more buyer
8 needs every night.

9 That leave one trip wire and one
10 trip wire alone to be pulled should a broadly-
11 opened moratorium mandate greater public
12 safety coverage and that trip wirer is
13 increased reimbursable details.

14 Such an increase would be a
15 dangerous addition to the books of these
16 independent businesses that we have valued and
17 patronized and protected. Such a burden
18 couldn't come at a more delegate or dangerous
19 time than now or over the next year or two.
20 There has been a lot of talk today about
21 having survived the streetscape.

22 I will venture to predict here

1 that the next year or two will prove a far
2 greater challenge to the businesses we value
3 and love than perhaps even to the streetscape.
4 The rapidly worsening economic news is moving
5 from the financial pages into the living rooms
6 and surely into the back offices of our local
7 restaurants.

8 From decreased business travel to
9 decreased tourist revenue to reduced spending
10 by local residents the emerging economic
11 picture places us before the threshold of a
12 very sensitive time. A moratorium offers
13 these independent restaurants some measure of
14 stability, of course, by arguably protecting
15 them against much in the way of new
16 competition.

17 Isn't that stability more
18 important now than ever? We must ask as a
19 community who over this next crucial year or
20 two may feel pressed to sell transferring a
21 license to a new person without the sense of
22 community that we have enjoyed with most of

1 the current owners in this affected area.

2 Furthermore, who may feel pressed
3 to morph their business from a restaurant, a
4 restaurant by day, into something else at
5 night? The factors that were of concern to
6 DCCA and this Board in creating this
7 moratorium are, therefore, present still.
8 Arguably they are more pressing today than
9 ever. We have lost retail that we love. Some
10 of that was simply due to changes in the
11 market place. By this I mean who purchasing
12 what and where.

13 The emergence of the internet as
14 both a place to shop and a place to spend time
15 generally rather than out in a neighborhood
16 with great local businesses. The other
17 factors, of course, have been the multi-
18 faceted financial pressures upon these
19 business tenants, the cost of space, tax
20 burdens, and more.

21 In conclusion, DCCA's concerns
22 remain. The good and balanced situation we

1 have now is no accident and it could be
2 endangered by the wide opening of this
3 successful moratorium at this very sensitive
4 time. I greatly appreciate the opportunity to
5 share our views.

6 CHAIRPERSON FEATHER: Thank you,
7 Mr. Lawson.

8 For the three of you, let's see if
9 we have questions from the Board.

10 Yes, Mr. Brooks.

11 MR. BROOKS: Yes. Thank you, Mr.
12 Chairman.

13 Mr. Lawson, the Dupont Circle
14 Committee, have you had an opportunity to talk
15 about it and vote about the association?

16 MR. LAWSON: In regards to the DC
17 MAP petition or the ANC-2B petition?

18 MR. BROOKS: The ANC-2B.

19 MR. LAWSON: In regards to the
20 ANC-2B efforts we did take a vote in March of
21 2007. By way of incidence I don't believe I
22 was present at that particular session but we

1 did vote that we would not participate in any
2 effort to submit a new moratorium request.

3 We also stated that if the ABC
4 Board amended the moratorium in such a way
5 that some establishments qualified as an
6 applicant for lateral expansion that we would
7 participate in proceedings to ensure that
8 community interests are protected. We
9 obviously stand ready to participate in that
10 regard.

11 MR. BROOKS: Thank you. And has
12 DC MAP met to discuss as a group and vote on
13 the issue?

14 MR. GRANDIS: Yes, sir. On May
15 14th I think was the ANC meeting that voted
16 that letter that I have shared with the Board
17 that I'm sure you all have a copy of. After
18 that meeting, which I attended, and offered at
19 the public hearing that they not take a vote
20 that night and since that was the first DC MAP
21 was made aware of it at a public session, we
22 would welcome to participate in negotiating

1 that and that was politely declined.

2 We had a special board meeting and
3 the motion was whether to accept or oppose the
4 ANC motion. That motion to accept it was
5 defeated and then the motion to adopt the
6 position you saw in our letter was made and
7 adopted.

8 MR. BROOKS: Approximately how
9 many members do you have for DC MAP?

10 MR. GRANDIS: How many members we
11 have?

12 MR. BROOKS: Yes.

13 MR. GRANDIS: We have something
14 over 70.

15 MR. BROOKS: Thank you.

16 Thank you, Mr. Chairman.

17 CHAIRPERSON FEATHER: Thank you,
18 Mr. Brooks.

19 Mr. Alberti.

20 MR. ALBERTI: Yeah. Mr. Grandis,
21 DC MAP, that's a business organization?

22 MR. GRANDIS: Yes, sir.

1 MR. ALBERTI: Do you currently
2 represent anyone who is seeking a new license
3 or would intend to seek a new license?

4 MR. GRANDIS: That whisper has
5 been going around and it's not true. I am a
6 business attorney. My clientele is the small
7 business community. I am excited to help
8 individuals set up businesses and that's what
9 I've done. Okay?

10 Have I had ABRA clients in the
11 past? Yes. Will I have ABRA clients in the
12 future? If they come to me. I can't make
13 them. Do I have anyone who is in the
14 moratorium area that has approached me or that
15 I have had conversation with at this time
16 regarding this moratorium? No, sir. If the
17 moratorium is changed, I cannot say that
18 someone won't call me but is it in the works?
19 I'm not aware of it.

20 MR. ALBERTI: Fair enough. I just
21 want to make sure we know where everyone's
22 position is and from what position they're

1 speaking. The ANC now has sort of opened the
2 door. I mean, I'm kind of seeing them as the
3 nose under the camel -- the camel's nose under
4 the tent here.

5 They have opened the subject up,
6 increase of the moratorium, increase in number
7 of licenses on this moratorium. I'm trying to
8 sort out where the number two is coming from
9 and I've heard their arguments about balance
10 of businesses and some impact on the
11 neighborhood and why they want to tweak it.
12 I would like your opinion knowing the number
13 of vacant stores. You have told us you would
14 just like to lift the moratorium all together.

15 MR. GRANDIS: No, DC MAP would.

16 MR. ALBERTI: Right, DC MAP.

17 Okay. As a representative of DC MAP and
18 that's what I'm speaking to you as.
19 Realistically you know the vacant stores. You
20 know the restaurants that are there. Let me
21 ask you two questions and one you are more
22 capable of answering which is how many new CR

1 and DR licenses would you project would
2 probably apply within the next year?

3 MR. GRANDIS: In the body of our
4 testimony I hope it has been clear that we are
5 looking at encouraging the local DCRA
6 restaurant licensed establishments meaning
7 SoHo type of places, Goodies and Sandwich Shop
8 type of place, to be able to be on a level
9 playing field.

10 Our testimony is not encouraging
11 or envisioning that outsiders come in. We are
12 really looking at what is going on in that
13 moratorium area and there are a number of food
14 establishments that have been around for a
15 number of years and they sell similar
16 products. Some of the people two doors down
17 has beer and wine.

18 As I said earlier, we do support
19 the concept of moratoriums and we think over
20 time they need to be tweaked to use a term
21 that the ANC talks about. We respect that.
22 Let's be surgeons. Okay?

1 When we say we want to open it up,
2 it's because of our knowledge that several
3 places that are vacant will not become
4 restaurants because they can't put hoods in
5 them. The reason I know that is I had a
6 client that wanted to go for one of the vacant
7 spaces.

8 In negotiation they brought in an
9 engineer to figure out what could be done with
10 limited money in these spaces. It was
11 determined that building had never been used
12 for food service in the 90 some years it had
13 been built. It wasn't designed -- didn't have
14 a kitchen. Didn't have a hood. There is a
15 space that is vacant right now that probably
16 will continue to be vacant and when it's
17 occupied it will not be food.

18 Now, the one that they mentioned,
19 the French restaurant, is set up to be food
20 and I think the ANC said today we all would
21 encourage that license to be a nice fine
22 restaurant again because it's been a fine

1 restaurant in the last decade.

2 If I have to give you a number,
3 and I'm only talking about now P Street even
4 though this moratorium goes along 20th which
5 also -- once again, this is not objective
6 because even though I have walked it a lot, I
7 think there is probably about four. Okay?

8 We are not really here fighting.
9 We are here about the principle of what
10 happened, how we got here. We want Pizza
11 Paradiso to stay in our neighborhood. They
12 are an outstanding restaurateur for our
13 neighborhood.

14 We want this other restaurant that
15 they are for some reason supporting to get a
16 CR or a DR license because we want them with
17 their Mediterranean or Italian food to be able
18 to compete with another Mediterranean or
19 Italian place a few doors down. What we don't
20 want is this Board to not understand that this
21 was done with private negotiation.

22 Forget us but without going to the

1 SoHos and the Goodies and a few other places
2 and saying, "Look, we have been approached and
3 we would like to have a business discussion
4 about this. That didn't happen and we are
5 really afraid that this body in trying to do
6 a good service without understanding the
7 details could end up being engaged in
8 something that is going to only enhance two
9 businesses.

10 We think it's time. We're not
11 asking for five years. We are saying just
12 make it three years. As Joel so eloquently
13 stated, you're not going to find a lot of
14 money running around in the next couple of
15 years. You're not going to find a lot of
16 banks who are going to give people who don't
17 have restaurant experience loans right now.

18 You better have good restaurant
19 experience if you want to get a loan right
20 now. We think in a three-year window if you
21 just relax from CR and DR it will settle out.
22 Most of these places that are occupied by food

1 now possibly would get it.

2 You know what? We have actually
3 said in our testimony we're not here to tell
4 the ANC to accept and approve the application.
5 We just want them to be on the same track as
6 everyone else and you can turn the application
7 down or put a harsh reasonable voluntary
8 agreement on it. We are here just for the
9 moratorium, not about the discussion, what
10 happens to the applications.

11 MR. ALBERTI: Thank you very much.

12 Mr. Lawson, I think you said you
13 don't support a lifting of the moratorium. Am
14 I correct in that?

15 MR. LAWSON: Yes, that's correct.
16 We can't participate in any effort to submit
17 a new moratorium request. Nor do we support
18 the broad opening of the moratorium so I am
19 here to react the ANC and the DC MAP.

20 MR. ALBERTI: I know you can't
21 take a position without talking to your
22 association but just in your personal opinion

1 in terms of the impact on traffic, peace,
2 order, and quiet if you had it to do over
3 again and set a number for this moratorium,
4 what would it be? Would it be two more, three
5 more, four more? What do you think?

6 MR. LAWSON: I did want to just
7 point out that the issue you raised on traffic
8 was discussed considerably in the transcript
9 of the hearing of this body which gave birth
10 to the moratorium. Our organization did a
11 traffic study. Traffic was a great concern.

12 I do feel that traffic -- I would
13 like to elaborate a little bit upon my
14 previous statement. Traffic is one of the
15 concerns that remain, especially as you get
16 into the evening and night time hours. Those
17 concerns that we expressed -- my predecessor
18 two presidencies ago, Bill Gluh, testified to
19 very forcefully.

20 Of course, I wanted to focus
21 mostly on the public safety and the de facto
22 public safety plan that we feel we have on P

1 Street. I will be very frank with you. My
2 mandate here today is to oppose a broad
3 opening of the moratorium and, therefore, I'm
4 just simply reluctant to place a number in
5 response to your question. I wish I could be
6 more helpful but that is simply my duty today.

7 MR. ALBERTI: Fair enough. Okay.
8 Thank you.

9 CHAIRPERSON FEATHER: Mr. Gandhi?

10 MR. GANDHI: Thank you for your
11 time. I have a question. Does the
12 association also have the same view of
13 "Restaurant Row" on P Street? Do you envision
14 that or do you --

15 MR. LAWSON: Well, Restaurant Row
16 is obviously a colloquially term that has come
17 into use. I think it's also, for lack of a
18 better phrase, a marketing phrase. Have I
19 used it in the past? Yes. I think when you
20 look at P Street that is sort of what we have
21 developing.

22 We are tremendously sad to have

1 lost some dry goods retailing and other
2 retailing and diversity on the street.
3 Otherwise, yes, when you walk down P Street
4 you do have a row of restaurants. Mostly good
5 ones.

6 MR. GANDHI: Do you support it?
7 Does your association support more restaurants
8 coming in to P Street?

9 MR. LAWSON: We support good local
10 eateries on P Street, 20th Street, 17th
11 Street, and the question of more or less is
12 not one that I am necessarily prepared to --
13 I mean, that becomes dependent upon vacancies
14 and who fills those vacancies.

15 MR. GANDHI: Well, you have three
16 vacancies right now from what I hear.

17 MR. LAWSON: Right. And it
18 depends upon current credit markets and
19 capital markets and who is --

20 MR. GANDHI: The credit market is
21 not good.

22 MR. LAWSON: Yeah, so who is going

1 to be able to go into those spaces? You
2 actually raise a very interesting point.

3 While I really appreciate my
4 friend Ed's suggestion that I was somehow good
5 with my phrasing about the dangers that we are
6 facing, we are all very cognizant of it and I
7 would suggest that there is one type of
8 establishment that publicly could find capital
9 and credit today and that would be larger
10 national, multi-national or chain
11 establishments.

12 I'm not here today to necessarily
13 speak against them but it is something to take
14 into consideration when we discuss the variety
15 and the health of local businesses on P
16 Street.

17 MR. GANDHI: And you talked about
18 the good imbalance of what we have currently.
19 You talked about the current moratorium and
20 not extending it and you are not prepared to
21 talk about extension of the moratorium. Is
22 that right? I'm just trying to figure out is

1 your association supportive or not supportive
2 of having two more CR/DRs?

3 MR. LAWSON: We are --

4 MR. GANDHI: Supportive or
5 nonsupportive? I guess I've gotten so many
6 words at me, you know, I'm trying to keep a
7 list here.

8 MR. LAWSON: I guess it would --
9 you raise a very good question and I guess it
10 would be fair for you to interpret what you
11 have heard today as one organization stating
12 we have a good situation currently. You've
13 heard from another organization saying we
14 would prefer a broad opening.

15 You have heard an ANC position
16 that is moderate in the middle or selective.
17 As to our specific reaction to ANC, I think I
18 have been very clear today that we feel we
19 have a good situation currently.

20 MR. GANDHI: If we were to
21 increase the number of licenses, does it
22 matter to you if it's a CR license or a DR

1 license?

2 MR. LAWSON: Well, that would
3 obviously be an action -- I mean, you are
4 predicating this upon if you were to grant
5 those and that is something we would simply
6 have to deliberate as a body and consider
7 whether we wanted to have a reaction to it or
8 not.

9 MR. GANDHI: Same question.

10 MR. GRANDIS: Well, we don't want
11 to see anything morph into a nightclub. As a
12 business group we take that position. Just so
13 it's clear, DC MAP is not an alcohol beverage
14 association. We are a business association
15 and, therefore, we are excited with new retail
16 as well as restaurants.

17 But to answer your question
18 directly, we believe that DRs cause a bit of
19 restriction unless the menu dictates that. If
20 the menu is really just something that would
21 go with beer and wine like your sandwich shop,
22 then perhaps beer and wine is what you should

1 have.

2 If you are basically a full-
3 service restaurant, we believe that's too
4 restrictive. Also, we believe that with the
5 ANC there should be a voluntary agreement
6 about late-night service and food being
7 required with late-night service and when that
8 late-night alcohol service ends. DC MAP has
9 talked about that.

10 We believe that the least
11 restrictive, which is CR, is the best for that
12 environment. However, we also understand in
13 a business plan there may be some that really
14 just want beer and wine so we believe let it
15 go through the application process. Flesh it
16 out at the ANC through the application
17 process.

18 MR. GANDHI: Do you know how many
19 establishments have two licenses right now?

20 MR. GRANDIS: In that area?

21 MR. GANDHI: Yeah.

22 MR. GRANDIS: You're talking about

1 restaurants now?

2 MR. GANDHI: Right.

3 MR. GRANDIS: I'm not aware of
4 anyone having two.

5 MR. GANDHI: I thought you --

6 MR. GRANDIS: What happens here is
7 that Pizza Paradiso is already in our
8 neighborhood.

9 MR. GANDHI: Right.

10 MR. GRANDIS: They already have
11 beer and wine and they are a fabulous place.
12 Okay? They have had opportunity to get a
13 second lease in the Blaine Mansion which you
14 heard the ANC commissioner talk about today.
15 Therefore, under the current moratorium they
16 can open up their Pizza Paradiso menu but they
17 can't offer the same thing they are offering
18 two blocks away on P Street.

19 MR. GANDHI: Right. They hold a
20 DR over there and if we were to open it up,
21 they would have a DR or CR across the street.

22 MR. GRANDIS: On the same P Street

1 so that would be the first situation. If the
2 moratorium is expanded to allow just two, they
3 are already prepared to drop it. That is well
4 known. You may say it's first come first
5 serve but we already know these two applicants
6 are ready to go.

7 MR. GANDHI: How should that be
8 handled? How do you think the Board should
9 handle this? This is all hypothetically.
10 Right? If we were to allow two or three or
11 four licenses and it's first come, first
12 serve, well, what if two people are here at
13 8:00? You know what I mean? How do you think
14 we should handle that?

15 MR. HOOPEN: But they are here.

16 MR. GRANDIS: That is our concern.
17 As you heard, the motion from the ANC was back
18 in March of 2007. This is 2008. There has
19 been discussion among certain individuals at
20 the expense of other businesses to get this
21 thing done for these two businesses for over
22 a year but it's been hush hush.

1 I can tell you at DC MAP we went
2 to all the businesses after the ANC had
3 adopted this thing back on May 14th and we
4 asked the businesses that were food
5 establishments were they invited to the ANC
6 meeting, has any ANC commissioner come talk to
7 them about the possibility that they may
8 support a tweaking of the moratorium. Not one
9 of them said yes, they had heard it.

10 MR. GANDHI: Can't you just let
11 your association know? I know you are upset
12 about that and I think you should be in the
13 sense that this has been "hush hush" or
14 whatever conversations. Whatever decision we
15 come out with can't you let your members and
16 everyone else who wants to apply know?

17 MR. GRANDIS: Mr. Gandhi, the
18 applications are complete. They have been
19 asking to submit them so, yes, we can --

20 MR. GANDHI: They can't submit
21 them until we issue a decision.

22 MR. GRANDIS: But no one else is

1 prepared to submit one because they have not
2 been told.

3 MR. GANDHI: These are your
4 members, you know. You are coming to this
5 hearing. You know we are at least talking
6 about it. Right? And so whether they have
7 completed their applications or whether they
8 haven't completed their applications, we're
9 not going to give you a decision today. I'm
10 just curious and I'm wondering. Right? I
11 understand these conversations have been going
12 on but, I mean, I want to make sure that we
13 are as open as possible.

14 MR. GRANDIS: Mr. Gandhi, the
15 appearance will be if there are just two that
16 it's going to benefit those that have been
17 greasing the pipeline. If you all are
18 comfortable with that, you've got our notice,
19 you know. You all make that decision.

20 MR. GANDHI: But how can that be?
21 I'm trying to understand. We are having an
22 open public hearing with someone taking a

1 transcript here. We are not going to issue
2 our decision today so it's not like we are
3 going to open our door and then these two are
4 right here.

5 I'm asking you for a favor as
6 well, I guess. Tell them that we are talking
7 about this and this is a very important matter
8 because you're saying if it's only two, it's
9 going to be an appearance that they receive
10 word and the ANC, you know, they are all
11 working together and it's just going to be
12 these two.

13 That is not the case at all. It's
14 very important because that is what you just
15 mentioned. I want to be really crystal clear
16 that it's open -- if we were to allow these
17 two licenses or three licenses or whatever the
18 case might be, it's open to everyone and
19 anyone. If we haven't made that clear, if we
20 haven't sent out the press releases or
21 whatever the case might be, please help us in
22 telling your neighborhoods as well. Okay?

1 MR. GRANDIS: Mr. Gandhi, I agree
2 with you. In principle it's first come, first
3 serve. In principle if we went out with big
4 banners and said to every food establishment,
5 "Go hire an attorney but do it yourself and
6 get your application ready," they possibly
7 could all submit on the same day. Right?

8 More than two but you all have
9 said two. There is a letter here saying the
10 ANC has already supported two so if you have
11 four at the same ANC meeting, it's a pretty
12 well given who the ANC is going to give it to
13 if you have a cap.

14 MR. GANDHI: It's not the ANC
15 giving it to anyone, though. If I don't
16 understand, let me know.

17 MR. GRANDIS: ANC's give great
18 weight.

19 MR. GANDHI: Right.

20 MR. GRANDIS: Okay?

21 MR. GANDHI: But if the ANC comes
22 to us and says, "We prefer these two over

1 these two and this one..." that's all fine and
2 dandy but they don't make that decision. The
3 application needs to come to ABRA first. The
4 application doesn't go to the ANC. It comes
5 to this office first. Are we on the same page
6 there?

7 MR. GRANDIS: Yes, sir.

8 MR. GANDHI: But we would
9 appreciate your help in letting everyone and
10 anyone know whatever our decision will be.

11 MR. GRANDIS: I don;t think it's
12 our job to have a rush --

13 MR. GANDHI: How about your
14 members at least?

15 MR. GRANDIS: I don't think it's
16 our job to have a rush for two licenses. I
17 think we have given you credible information
18 that if there are going to be two, it should
19 be more than two. We would appreciate your
20 staff getting out on the street and doing some
21 research and seeing what it should be.

22 MR. GANDHI: Okay. Thank you, Mr.

1 Chairman, for the time.

2 CHAIRPERSON FEATHER: Thank you,
3 Mr. Gandhi.

4 Mr. Jones.

5 MR. JONES: Just to make sure I'm
6 clear because I think I got a little lost in
7 some of the back and forth. I'm sorry. The
8 gentleman in the middle with the pink tie.
9 What was your name again?

10 MR. GRANDIS: Ed.

11 MR. JONES: Ed?

12 MR. GRANDIS: Yeah.

13 MR. JONES: Mr. Grandis?

14 MR. GRANDIS: Yes.

15 MR. JONES: There we go. Okay.

16 Is it the position of DC MAP that there is
17 some concern that some businesses had a priori
18 knowledge about this potential opportunity and
19 have had more time to prepare something so
20 that they have a better opportunity to be
21 first come of the first come first serve?

22 MR. GRANDIS: Yes, sir.

1 MR. JONES: Okay. Thank you, Mr.
2 Chairman.

3 CHAIRPERSON FEATHER: Thank you,
4 Mr. Jones.

5 MR. LAWSON: Mr. Chairman, if I
6 may.

7 CHAIRPERSON FEATHER: Yes, Mr.
8 Lawson.

9 MR. LAWSON: I need to be a little
10 bit careful here but in light of the recent
11 discourse, I also wanted to see if I could be
12 just slightly more helpful to Mr. Gandhi's
13 questions about what we would do in light of
14 some of the establishments that have been
15 mentioned here today.

16 I just want to be on record that
17 we certainly -- I certain love Pizza Paradiso
18 and other establishments on the corridor. It
19 is up to the Board to make a decision. If
20 they do make a decision to allow an
21 establishment that qualifies an applicant for
22 a move or expansion of some kind, the DCCA

1 would stand ready obviously to participate in
2 proceedings to make sure that community
3 concerns are well addressed.

4 We have good relationships with
5 these businesses. We are improving them every
6 day. The vast majority have a really great
7 record of dealing with us and we stand ready
8 to be helpful in any way possible.

9 CHAIRPERSON FEATHER: Thank you,
10 Mr. Lawson.

11 Thank all three of you for your
12 testimony today. We appreciate it.

13 MR. GRANDIS: Thank you.

14 MR. HOOPEN: Thank you.

15 MR. LAWSON: Thank you.

16 CHAIRPERSON FEATHER: Panel 3 was
17 Commander Mark Carter from Second District.
18 Commander Carter couldn't be with us today I
19 don't believe. At least, I don't see him
20 behind the pole or the column but I don't
21 believe he's back there anywhere.

22 At any rate, we do miss his input

1 and we wish he could have been here but we
2 understand the fact that people are busy.

3 Panel 4 is Mark Medley, Helene
4 Bloom. Is it Helene or Helen?

5 MS. BLOOM: Helene.

6 CHAIRPERSON FEATHER: Helene?

7 MS. BLOOM: Yes.

8 CHAIRPERSON FEATHER: Ruth
9 Gresser, and Ghaleb Ghaleb.

10 Were you going to join us, Mr.
11 Fonseca? You moved and I didn't --

12 MR. FONSECA: For the record I'm
13 not going to join you. I'm much like Greg
14 O'Sullivan. I'm not a client but I have no
15 testimony.

16 CHAIRPERSON FEATHER: You are
17 always welcome, Mr. Fonseca.

18 MR. FONSECA: Thank you.

19 CHAIRPERSON FEATHER: That being
20 said, could we just have introductions and
21 where each one of you represent and then we
22 can start at either end.

1 MS. GRESSER: I'm Ruth Gresser and
2 I own Pizzeria Paradiso.

3 CHAIRPERSON FEATHER: Ms. Gresser.

4 MR. GHALEB: I'm Ghaleb Ghaleb and
5 I own Aioli Medi-Italian Gourmet.

6 CHAIRPERSON FEATHER: Ghaleb.

7 MS. BLOOM: I'm Helene Bloom. I'm
8 the owner of SoHo Tea and Coffee.

9 CHAIRPERSON FEATHER: Ms. Bloom.

10 MR. MEDLEY: My name is Mark
11 Medley, co-owner of Mark and Orlando's
12 Restaurant, 2020 P.

13 CHAIRPERSON FEATHER: Mr. Medley.
14 Since we started with introductions at this
15 end, maybe we can start with testimony at this
16 end. Do the best you can on the five minutes.
17 We haven't been too tight on it. Maybe since
18 we're still training on the clock but we'll
19 try not to let that get in your way.

20 MR. MEDLEY: Yes, sir. I will
21 read my written testimony and then just add a
22 couple of things.

1 CHAIRPERSON FEATHER: Sure. When
2 all four of you are finished, we'll do
3 questions from the Board.

4 MR. MEDLEY: Thank you for this
5 opportunity to express my opinions on the
6 issue before you. My name is Mark Medley of
7 Mark and Orlando's at 2020 P Street. I am
8 also serving my third year on the historic
9 Dupont Circle main street board and a Dupont
10 Circle resident.

11 I would like to convey my support
12 for the ANC proposal to amend the West P
13 Street moratorium. I have advocated for over
14 two years the concept of P Street Restaurant
15 Row. This concept is one of unity amongst the
16 businesses. The goal is to have our street to
17 be the destination and our independent stores
18 collectively the drawn.

19 The granting of the ANC request is
20 an important aspect toward this goal. The P
21 Street reconstruction took its toll on every
22 business owner last year. We formed

1 committees months prior to the start of the
2 project to educate concerns and mitigate the
3 effects as much as humanly possible.

4 The neighborhood organization
5 DCCA, ANC, DC MAP worked with us on our main
6 street program as partners in what was
7 recognized as a shared hardship and that only
8 together can best results happen.

9 This sense of camaraderie has
10 continued along the West P Street corridor
11 with the entire hospitality shops with the
12 exception of one. To be honest, without the
13 effort of my neighbors Mark and Orlando's
14 probably would not have survived. Some did
15 not.

16 I am a bit disappointed in the
17 decision by the DCCA Board to oppose this
18 request. I had hoped that the years of
19 distress and suspicion between
20 residents advocate and local businesses had
21 lessened enough to allow for meaningful
22 discussion, compromise to our common good for

1 all of Dupont.

2 We have made great strides on West
3 P Street ensuring all opinions are heard and
4 that everyone has a vested interest in what
5 happens to our community as a whole. We
6 strongly believe what is good for Dupont
7 community is good for business.

8 I wish the economics of present
9 would harbor opportunities for those
10 neighborhood quality of life enterprises that
11 we all cherish. The mom and pop stores that
12 make a neighborhood feel like a community are
13 being pressured from all sides.

14 Whether it is added regulations,
15 resident interaction, or the times we live in,
16 non-chain stores of all types are finding
17 difficulty in doing it alone to open a small
18 business. I strongly feel that defining West
19 P Street as a dining destination of owner-
20 operated establishments will give Orlando and
21 I the best chance of our future success.

22 Now, adding to it. If you were to

1 state any licensee that has at the start of
2 this new moratorium zone there would be
3 exactly six businesses if they had a DCRA food
4 license establishment. That means either
5 takeout, sit-down, so forth. Six is your max
6 that can apply. Okay? That earlier was a
7 bone of contention.

8 Secondly, the streetscape part
9 followed by unsure economic times. We
10 independently -- there are a few restaurants
11 that have been there for years. There are
12 ones like me that have been there three and a
13 half years and there was one that tried maybe
14 three or four months before the streetscape
15 opened. That business did not survive.

16 I feel, and I have worked through
17 either main street, DCCA, or ANC, or just
18 plain out volunteering, that creating a
19 concept of go to dinner on West P Street. I
20 don't have to decide where. The choices are
21 so wonderful. We used to have a French
22 restaurant, don't anymore.

1 We had three different types of
2 Asian restaurants. We have a nouveau Italian,
3 modern American like mine, one of the best
4 fish houses and 12-year-old business, and then
5 one of the best Italian restaurants in town
6 that is a 14-year-old business so if we can
7 get the customers that we lost through this
8 streetscape process.

9 Remember a year before the
10 streetscape that Hotel Palomar was closed for
11 renovations so we had a double whammy. I'm
12 just a working guy who opened a business with
13 a friend and trying our best.

14 I don't think that allowing,
15 especially in Pizza Paradiso's situation,
16 allowing a restaurant that is upstairs that is
17 fitted for a restaurant that has no other
18 viability if it doesn't serve alcohol to go
19 across the street to another restaurant. It
20 just doesn't look good.

21 We do have four vacancies right
22 now. Hopefully they do fill up. The

1 streetscape was needed but it hurt. I am here
2 in full appreciation of the DCCA and ANC and
3 have a willingness to work with them. 17th
4 Street is not the same as West P Street.

5 Do not allow that animosity from
6 there to carry over to my side of the circle
7 because we love our residents. I am one and
8 we work with -- if Mike has an issue he'll
9 come walking in my restaurant saying, "I've
10 got an issue," and we solve it right then.

11 I just think for the good of my
12 business and I think for the good of us all
13 that there should be some mechanism or some
14 kind of form to do what is good for all of us.
15 Right now I wish I could say the hardware
16 stores and the nice clothing shops are beating
17 down the door to get there. It's just not
18 happening.

19 It's either waiting around for
20 that or trying to enhance what is now a
21 beautiful street by making it a restaurant
22 destination. For everybody I think I would

1 rather go with the ANC position. Thank you.

2 CHAIRPERSON FEATHER: Thank you,
3 Mr. Medley.

4 MR. MEDLEY: You're welcome.

5 CHAIRPERSON FEATHER: Ms. Bloom.

6 MS. BLOOM: Thank you. And I
7 agree. I'm here as the owner of SoHo Tea and
8 Coffee and to testify in favor of the DC MAP
9 position to amend the existing West Dupont
10 Circle moratorium zone referred to as the P
11 Street liquor moratorium.

12 SoHo Tea and Coffee has been in
13 business for over 13 years. We are located at
14 2150 P Street, N.W. in the Dupont Circle
15 business area. We have been an integral part
16 of the residential and business community on
17 P Street. We have weathered the ups and downs
18 of the business climate including last year's
19 streetscape project which tested our business
20 revenues and our business tenacity.

21 We have never served liquor and
22 have focused strictly on our coffee, tea, and

1 food business. However, we are seeking a
2 liquor license specifically to serve wine, to
3 expand our business revenues, and remain a
4 competing force on P Street as well as with
5 other coffee houses in the District that are
6 able to serve liquor.

7 I believe that the moratorium is
8 obsolete and prevents certain businesses from
9 fully competing, particularly on P Street, in
10 today's market and today's economy. SoHo Tea
11 and Coffee has become a staple business in the
12 Dupont Circle and P Street corridor community.
13 We have operated with integrity and honesty
14 serving our continuing customers to the best
15 of our ability and will continue to do so
16 adding liquor to our menu and, again,
17 specifically wine.

18 We see adding wine as a special
19 opportunity to complement our espresso, our
20 tea, our coffee business and our cold kitchen
21 which serves salads, sandwiches, cheesecakes.
22 I've given you a menu and not trying to make

1 you hungry -- bagels, croissants, etc., etc.

2 I respectfully request that you
3 consider lifting the moratorium to enable the
4 approval of additional liquor licenses,
5 specifically CR and DR licenses, to be issued
6 on P Street for well-deserved long-standing
7 community businesses and provide them the
8 opportunity to fully compete and expand their
9 revenues. This would not only help businesses
10 but, of course, it would also generate more
11 revenue for the District.

12 Just to add a few things to that,
13 I think we are all familiar with the 8th
14 Street business corridor, 8th Street Barracks
15 Row area that was redone five, six, almost
16 seven years ago, and how well they've done
17 with the reconstruction of the street and the
18 adding additional businesses.

19 They also made Barracks Row
20 capable of producing the kind of retail
21 establishments and the kind of menu
22 establishments with regard to restaurants that

1 they needed to succeed. Very few businesses
2 went out during the construction of 8th Street
3 barrack row. Our streetscape has turned out
4 lovely.

5 I am very proud to be the owner of
6 SoHo because we have survived a whole lot in
7 the last 13 years. I love my business. I
8 love the businesses on my block. I love the
9 residents. I want to continue but I also want
10 to be able to expand revenues to compete in
11 today's market. I thank you very much.

12 CHAIRPERSON FEATHER: Thank you,
13 Ms. Bloom.

14 Mr. Ghaleb.

15 MR. GHALEB: Members of the Board,
16 thank you. I am here today to testify or
17 share my story with you as a new business
18 owner in the Dupont West area. We came into
19 the location on P Street about a year ago. It
20 was during the streetscape and during the
21 renovation and everything else.

22 We had just taken the -- we bought

1 out the lease of the donut shop that failed.
2 We had a business model. We had a business
3 plan. Our funding was ready. We started off
4 with the original opening menu. We saw some
5 traffic but it was not the Dupont traffic that
6 I had been going through living between D.C.
7 and Virginia for the past 17 years.

8 I knew Dupont to be extremely
9 vibrant. I knew the traffic was -- there was
10 always pedestrians everywhere. I knew the
11 streetscape would be something that is
12 positive for the business. I did not know it
13 would have to be redone and redone over and
14 over again.

15 The point of the story is here for
16 me as far as how we were affected is, you
17 know, even with our restaurant experience,
18 with our funding, with new ideas bringing a
19 new concept to the Dupont area, the
20 streetscape really crippled our growth.

21 We had funding was going to carry
22 us about six months and right now we are

1 almost a year old and we still are not seeing
2 numbers or pedestrians or any additional
3 movement or more attraction to bring more
4 pedestrians.

5 I've taken the liberty of going on
6 the street and talking to people and you hear
7 it more often that simply folks got completely
8 turned off from coming down that area of P
9 Street between 22nd and 20th. It really hurt
10 us a lot and it is hurting us a lot.

11 We are here requesting a beer and
12 wine license because as this is really the
13 primary reason, the economic difficulty. Our
14 concept pretty much did not get the chance to
15 grow primarily because of the streetscape.
16 Secondly obviously because of the economic
17 conditions.

18 We have tried many things to tweak
19 and change, be it the menu, be it the business
20 plan, be it the marketing, be it the
21 advertising, things like that. We are pretty
22 much at a stand still right now. We are

1 looking for that next step to actually help us
2 get out of the tough economic conditions.
3 We are dealing with obviously a renovated
4 space. It's high rent so we really need the
5 extra income at this point.

6 Our menu, our concept is created
7 in a way where it is not really a bar. Our
8 menu is really catered towards the residents.
9 It is a community. It's a local place. There
10 is a variety of items on the menu. You've got
11 salad, sandwiches, pastas, entrees, things
12 like that.

13 Our space is not really set up as
14 anything but a takeout and maybe grabbing a
15 quick bite. We have 20 seats inside and 30
16 seats outside so we are really looking for the
17 opportunity to be able to keep our concept in
18 the neighborhood because obviously we've
19 established a number of loyal customers that
20 are the local residents and we don't want to
21 go away.

22 We want to keep fighting to make

1 it better to stay in business and we feel it's
2 very necessary for our survival to get a beer
3 and wine license so we can at least increase
4 the revenues or increase the per person
5 spending at our establishment.

6 We do definitely, of course,
7 support the ANC's position. One thing I want
8 to make clear. Mr. Grandis spoke of "greasing
9 the pipe." I want to make it clear that the
10 ANC did not approach me, not behind closed
11 doors, not in public to go ahead and apply for
12 a beer and wine license. I approached the
13 ANC. I felt like I had no other choice.

14 Being part of the community I felt
15 it necessary. I approached the ANC to go
16 ahead and try to get a beer and wine license,
17 some kind of allowance to get us to apply for
18 a beer and wine license. I just wanted to
19 make sure that -- I do appreciate Mr. Grandis'
20 position, though, or DC MAP's position, let me
21 rephrase that, in support of the businesses.

22 However, if DC MAP does not want

1 to rush things, I want you all to know that
2 due to my economic conditions, due to
3 difficulty, I am a concept that is probably
4 not going to last very long. Even though I do
5 support the prosperity of all the businesses
6 for the betterment of everybody, for the
7 opportunity of everybody, I am in a hurry, to
8 be honest with you, for lack of a better word.

9 If it be that you only allow two
10 licenses, I'm not here to ask you to give it
11 directly to me in all fairness to everybody.
12 We all apply as a first come first serve
13 basis. I do appreciate your time and I pass
14 it down to Ruth.

15 CHAIRPERSON FEATHER: Thank you,
16 Mr. Ghaleb.

17 MR. GHALEB: Thank you.

18 CHAIRPERSON FEATHER: Ms. Gresser.

19 MS. GRESSER: Good afternoon. I
20 own Pizzeria Paradiso that you've heard of in
21 other testimony. I have been part of the
22 Dupont Circle neighborhood for over 20 years.

1 Pizzeria Paradiso has been there for 17 years.

2 Pizzeria Paradiso has been in the
3 building of 2029 P Street obviously for the
4 entire 17 years and that is the building that
5 there was testimony earlier where there were
6 two vacant spaces right next to each other.
7 Those two spaces were the street level of the
8 building of which I'm a tenant.

9 I did approach the ANC. Again,
10 I'm going to refer to what Ghaleb was just
11 talking about about behind closed doors and
12 the hush hush nature of this. I approached
13 the ANC -- I'm going to check.

14 I believe it was in the fall of
15 2006 because at the time I was thinking of
16 just expanding the business into the lower
17 level because that space has been vacant for
18 two-and-a-half years.

19 The other space was vacant for a
20 year and a half. That added to the whole
21 streetscape disruption of the business along
22 that street. I approached the ANC about

1 expanding the business.

2 At that time I was told or
3 understood and told that the moratorium was in
4 place and it did not allow for lateral
5 expansion and there was conversation. The
6 thing that I went before the ANC to voice and
7 to request was that at the point which I was
8 given the information that after the three
9 years the moratorium was open to be amended.

10 There has been conversation about
11 that as well but that is the information that
12 I was given at the time. I went before the
13 ANC requesting them to support the idea of my
14 being able to expand once the moratorium would
15 be open to amendment.

16 In the interim an opportunity
17 opened up the street to possibly move the
18 restaurant completely. I'm pursuing that and
19 should things go along a smooth path I may be
20 able to move the restaurant in the next six to
21 nine months.

22 About a year -- maybe a year ago,

1 nine months ago, the ANC did approach me about
2 this other possibility of just opening up the
3 moratorium because with my move, you know, I
4 would then have two spaces and only one liquor
5 license.

6 Of course, I mean, I'm very
7 supportive of the ANC's position of amending
8 the moratorium. I'm not here to say who
9 should get the license. I'm not here to say
10 how many licenses should be granted but I'm
11 supportive of the idea of it.

12 I'm also supportive of the idea
13 that the neighborhood changes and if there are
14 ways of adjusting things based on the changes
15 that occur, that seems to be a reasonable
16 approach. I think that's probably all that
17 I'll say at this point. Thank you.

18 CHAIRPERSON FEATHER: Thank you,
19 Ms. Gresser. We appreciate that.

20 Let's see if there are any
21 questions from the Board. Mr. Jones.

22 MR. JONES: Thank you, Mr.

1 Chairman.

2 I guess I'll start with the far
3 right. This is basically for each one of you.
4 If you could keep your response as concise as
5 possible, we would greatly appreciate it in
6 the interest of time.

7 From your standpoint will the
8 addition of more than two CR or DR licenses
9 significantly contribute to the peace, order,
10 and quiet of the neighborhoods in which you
11 operate?

12 MR. MEDLEY: No.

13 MR. JONES: Thank you.

14 MS. BLOOM: Let me make sure I'm
15 understanding your question. Are you asking
16 whether additional licenses would contribute
17 to more noise and less peace and quiet?

18 MR. JONES: Would the addition of
19 more than two CR or DR licenses significantly
20 contribute to the peace, order, and quiet of
21 the neighborhoods in which you operate?

22 MS. BLOOM: No, to the contrary.

1 I think that adding additional licenses would
2 contribute to the success of those businesses
3 that are currently successful, that are
4 struggling to be successful, my neighbor
5 across the street from me. I think it would
6 be a tremendous addition to P Street. Not a
7 negative but a positive.

8 MR. JONES: Thank you. Sir?

9 MR. GHALEB: Sir, as far as our
10 business is concerned, I mean, we've had some
11 incidents at our establishment that forced
12 closing so honestly I would say that if it's
13 well managed, if it's well balanced, if it's
14 well studied and monitored, you know, because
15 we've had our fence broken down a few times.

16 We've had our glass doors broken
17 down. We've had some incidents that are past
18 our closing time that had affected us. If it
19 is a CR that remains a CR up to a certain time
20 that doesn't filter negatively towards us,
21 then we say we're okay with that. But if it
22 is going to affect us negatively, then

1 obviously we are not okay with it.

2 MR. JONES: Okay. I guess what
3 I'm looking for more is from your opinion
4 based on the fact that you've been operating
5 in your place of business for approximately a
6 year now give or take --

7 MR. GHALEB: Yes, sir.

8 MR. JONES: -- do you believe that
9 the addition of more than two CR or DR
10 licenses or the addition of two CR or DR
11 licenses will contribute significantly to the
12 peace, order, and quiet of the neighborhood in
13 which you operate?

14 It's not necessarily directed
15 towards you in terms of your business and your
16 operations but do you feel as though the
17 addition of more than two CR or DR licenses
18 will contribute significantly to the peace,
19 order, and quiet of your neighborhood?

20 MR. GHALEB: I don't think so but
21 I honestly don't have enough information to
22 say yes or no clearly.

1 MR. JONES: Okay. That's fair.

2 MS. GRESSER: My experience has
3 been that CR and DR establishments do not
4 disrupt the peace of the neighborhood.

5 MR. JONES: Okay. Thank you.

6 MS. GRESSER: If I could add two
7 things. One is you're talking about opening
8 up for more than two. I just want to point
9 out that DC MAP leafleted the street and I
10 believe handed out -- I mean, I got a notice
11 of this hearing.

12 It was addressed to food service
13 establishments. I just want to point out that
14 the three of us are the only ones here coming
15 to sort of make testimony that we are
16 interested in a license. It could be that
17 it's opened us and the three of us are the
18 only one that are really interested. I don't
19 know if that's true or not.

20 The other thing I wanted to say is
21 I've been -- it's been suggested to me that I
22 make you aware of the fact that I have applied

1 for the transfer of my present license, the
2 license that I now have at the present
3 location.

4 The application for transfer has
5 been submitted and approved by the Board.
6 Should I get a new license, should I be able
7 to apply and it's granted, it would be for the
8 present location. That location, I think,
9 would need it frankly more than the one that
10 I'm now moving to in terms of the economic
11 future of that space.

12 MR. JONES: Okay. Next question.
13 Once again, I think it's Mark?

14 MR. MEDLEY: Yes.

15 MR. JONES: Okay. Mark, from your
16 perspective, and I just want to make sure I'm
17 clear, are you in favor of the position that
18 was put forth today by the ANC which is two
19 and only two licenses or are you in favor of
20 what I understand the DC MAP position to be
21 which is more than -- opening it up to more
22 than just two?

1 MR. MEDLEY: To all or none is
2 kind of where they're coming from.

3 MR. JONES: Right.

4 MR. MEDLEY: I understand both
5 arguments and even the DCCA's argument. In
6 fact, it was me over two years ago heading up
7 the P Street construction team realizing or
8 recognizing after this particular event, the
9 streetscape, and with the increasing rents
10 that are going to come with a brand new street
11 that the only way to keep a lively street, not
12 a riotous street, not a loud street, not a bar
13 street, but a dining street was a need for two
14 is what I recognize, one down on the 2200
15 block, which happens to be Aloili.

16 I never knew you wanted one. We
17 never discussed it. Secondly was replace
18 Pizza Paradiso. Pizza Paradiso lies in my
19 heart because that will sit empty just like
20 the shop underneath it has. Now, in the
21 present moratorium it is stated that you can
22 expand but it must be expansion into another

1 DCRA regulated food establishment.

2 I actually testified here at the
3 beginning of this moratorium for that right as
4 I opened up. Made a lot of enemies in the
5 neighborhood so, as Orlando said, I got out in
6 the neighborhood and volunteered to do what I
7 can to put our face forward and say we don't
8 want to be a bad guy.

9 We want to run a business. We
10 want the neighborhood to come to our business.
11 We want to do what's good for the
12 neighborhood. Now, if you really look at the
13 fairness of issues, there's only limited spots
14 under the present reading of the moratorium
15 that could get a beer or wine license.

16 It's already been stated that
17 there is a process with the ANC and DCCA
18 through the approval process of that. I don't
19 see if you were to take a DC MAP kind of
20 approach to it I think it's a little broad but
21 just say if you were to do it, the
22 repercussions of that would not be widespread,

1 nor would it be clematis to the street.

2 A couple of those spaces that
3 could get a liquor license have only four or
4 five people. They are the Chinese takeout,
5 this and that. It would not be advantageous
6 to their business to have a liquor license.
7 Remember, please, all this is only three
8 blocks.

9 This is only three blocks. I've
10 been working for over two years to make the
11 street better, get us talking as owners. If
12 they are doing well, I'm going to do well. I
13 firmly believe that there is no other option.
14 There's not going to come a fashion kind of
15 thing or anything like that. Our gamble of a
16 successful business will be Restaurant Row.

17 MR. JONES: Thank you, sir.

18 Helen is it?

19 MS. BLOOM: Helene.

20 MR. JONES: You said during your
21 testimony that you were in favor of the DC MAP
22 position. Did I hear that correctly?

1 MS. BLOOM: You heard that
2 correctly.

3 MR. JONES: Okay. Thank you.

4 MS. BLOOM: Can I add one thing?

5 MR. JONES: Yes, ma'am.

6 MS. BLOOM: I want to agree with
7 Mark in that we are only three blocks of
8 retail establishments. Competition is
9 wonderful for businesses. If one does well,
10 we all do well. We are really a family of
11 businesses and I'm sorry I didn't let you
12 know.

13 Really only six months ago my
14 partner and I started to consider adding wine
15 and we do believe it would be non-threatening
16 to any of the other businesses on the street.
17 We are 1,500 square feet. We are a fairly
18 large coffee house.

19 It would be a tremendous addition.
20 Certainly wouldn't take business away from any
21 other establishment but would add to the
22 community environment and would add to the

1 businesses on the street. I'll call you next
2 time.

3 MR. JONES: Thank you.

4 Sir, you indicated you are in
5 favor of the ANC position. I just want to
6 make sure it's clear because you mentioned
7 that but you also stated during your testimony
8 it gave me the impression that it wasn't
9 necessarily that you were in favor of just two
10 but you were in favor of being able to get one
11 at least for yourself to support your
12 business.

13 Were you indicating at that point
14 in time -- let me paraphrase this. Can you
15 tell me emphatically one way or the other are
16 you in favor of two and only two or are you in
17 favor of the DC MAP position which was, in my
18 understanding, more than the two? CR
19 licenses. Sorry. Excuse me.

20 MR. GHALEB: Well, we are
21 interested in beer and wine, in a DR.

22 MR. JONES: DR. Sorry.

1 MR. GHALEB: We do support the
2 ANC's request for two. I defer my judgment to
3 the information that Mr. Silverstein has
4 because the ANC obviously knows the community
5 a lot better than I do as far as choosing a
6 number for the area.

7 I am also pro-competition. I am a
8 pro-business as a business owner so allowing
9 -- saying yes or no for DC MAP, if it's on the
10 right premise, again, if it's well managed,
11 businesses don't have a problem with other
12 businesses getting other licenses.

13 MR. JONES: Okay. Thank you.

14 Last but not least?

15 MS. GRESSER: I support the
16 opening of the moratorium for more licenses.

17 MR. JONES: Okay.

18 MS. GRESSER: I think that the
19 residential neighborhood would probably not be
20 pleased with just doing away with the
21 moratorium and opening it up completely but
22 that is just my impression. As to the number,

1 I'm not stuck on two.

2 MR. JONES: Okay. Thank you, Mr.
3 Chairman.

4 CHAIRPERSON FEATHER: Thank you,
5 Mr. Jones.

6 Mr. Gandhi.

7 MR. GANDHI: What time does Pizza
8 Paradiso close right now?

9 MS. GRESSER: It closes at 10:00
10 on Sundays, 11:00 Monday through Thursday, and
11 12:00 Friday and Saturday.

12 MR. GANDHI: 10, 11, 12.
13 What time do you close?

14 MR. GHALEB: We close Sunday at
15 6:00 p.m.

16 MR. GANDHI: What is the latest
17 you close? How about that in the seven days?

18 MR. GHALEB: Midnight.

19 MR. GANDHI: What is the latest
20 you close, ma'am?

21 MS. BLOOM: Sunday through
22 Wednesday we close at 1:00 a.m. Thursday,

1 Friday, Saturday at 4:00 a.m.

2 MR. GANDHI: 4:00 a.m.

3 MS. BLOOM: Right.

4 MR. GANDHI: So you'd want to --
5 if we were to open this up, you would like to
6 be open until at least your legal maximum
7 hours to serve alcohol.

8 MS. BLOOM: Legal maximum hours,
9 yes.

10 MR. GANDHI: What's the name of
11 your place again?

12 MS. BLOOM: SoHo Tea and Coffee.

13 MR. GANDHI: SoHo. Okay

14 MS. BLOOM: It's a great place to,
15 you know, come in and sober up after you can't
16 drink alcohol anymore.

17 MR. GANDHI: Yes indeed.

18 MS. BLOOM: Get your cappuccino
19 and omelet. Hey.

20 MR. GANDHI: Makes sense. We need
21 more of you around. More of you in the
22 District of Columbia. This definitely is a

1 tough -- first of all, you love moratorium
2 zones. I mean, you have a restaurant in
3 Georgetown as well. Don't you?

4 MS. BLOOM: I've been very
5 fortunate in moratoriums but P Street was open
6 before the moratorium was in place.

7 MR. GANDHI: Okay.

8 MS. BLOOM: It was hard to get the
9 license even then but it's been there for 17
10 years so it was before the moratorium.

11 MR. GANDHI: So from what I'm
12 hearing there's at least three applicants who
13 are interested in the licenses. What would
14 you do with your DR if we were to open it up
15 and you were to get a CR? I'm just curious.

16 MS. BLOOM: I have been in
17 conversation with doing a partnership with
18 another very well-established restaurant in
19 the city about doing a Mediterranean
20 restaurant.

21 MR. GANDHI: With something else
22 there.

1 MS. BLOOM: Pardon me?

2 MR. GANDHI: I'm curious if we
3 were to say yes, we're going to open up three
4 more CRs, I'm making it up, you could apply
5 for two CRs, right? I mean, one there and one
6 for your new place.

7 MS. BLOOM: Well, the present
8 license that I hold has been approved for
9 transfer so that's going and I would only be
10 interested in one more.

11 MR. GANDHI: Okay. So there is at
12 least three more. To try to figure out a
13 number as well is very important. I
14 understand DC MAP's suggestion that we should
15 open it up to everything, to all CRs and DRs
16 and it's interesting. An actual number, I
17 know there's three definite people who are
18 interested and there may be others that
19 couldn't come to this hearing. I think you
20 had mentioned six.

21 MR. MEDLEY: Well, if you were to
22 take the present regulations defining

1 expansion, which under case she didn't have a
2 food established DCCA established food
3 establishment her present Pizza Paradiso
4 couldn't expand out.

5 Now, I sit on top of a takeout
6 Chinese restaurant. If I wanted to expand
7 down, then I have the right to apply. That's
8 all we're talking about is the right to apply.
9 Correct? That would give me the right to
10 apply.

11 Now, if you take the same language
12 and apply that to food establishments that
13 were there at the beginning of the moratorium,
14 you would have the bagel place which closes at
15 5:00. They're not going to do it but they
16 would have a right to apply. Then you would
17 have the late-night or DC Cafe.

18 MS. BLOOM: They have beer and
19 wine.

20 MR. MEDLEY: Then take that back
21 down to five. Right now you only have -- you
22 have the Chinese place under me, you have SoHo

1 Tea and Coffee, you have the bagel place, you
2 have Aloili. Let's take the new -- let's
3 take, for example, the new sandwich place.

4 You would have Subway. That's the
5 one I was getting at. Subway would
6 technically have the right to apply. What I'm
7 trying to say is if you take the language that
8 it was at the start of this moratorium which
9 the moratorium is not over and you wanted to
10 try to appease or at least work with the
11 neighborhood -- by the way, let me just say
12 the DCCA ANC has been tremendous.

13 Just for them to talk about that
14 is a change in culture. It's a change in
15 attitude that is happening on West P Street.
16 Maybe not in the rest of the neighborhood but
17 hopefully in the rest of the neighborhood it
18 gets infectious. If you were to look at it or
19 limit it that way, it would allow -- I'm
20 really not a lawyer but that is the way I read
21 it. Top six if everybody is rushing to get
22 booze.

1 MS. BLOOM: It would probably be
2 the people you see sitting here.

3 MR. GANDHI: Yes, ma'am.

4 MS. GRESSER: It occurs to me that
5 the people who have come before you -- the
6 people who are not here they already have
7 businesses that are operating and functioning
8 and successful and don't have a need in the
9 way that I look at it. I mean, this is a very
10 specific example.

11 I'm in a specific situation just
12 because of this opportunity of moving but, I
13 mean, a Subway they are not interested in
14 having their license so I think the number
15 that is possible is probably not the number of
16 applicants that you would get.

17 MR. MEDLEY: Let me impress
18 another thing. We have a short window to name
19 our street, get the business back we lost,
20 especially with the competition of the up and
21 emerging neighborhoods, the bad thing. On
22 West P Street it's getting old so we've got to

1 rename, rebrand, re-image.

2 This is part of it. This is not
3 like we can wait two years and then figure it
4 out. Maybe two years from now it didn't work
5 and we can correct it then. Maybe we can say
6 we did a good job and let's just do it here
7 until we get there.

8 I'm asking as survival for my
9 business. I have a license, a full CR. I'm
10 here to support other CR licenses even though
11 technically it kind of devalues my license if
12 I need to bail out but that's not where my
13 heart is and not where Orlando's heart is.
14 That's why I'm here today.

15 MR. GANDHI: Thank you. Thank you
16 very much. This is a difficult decision and
17 I appreciate your help and your testimony.
18 When people talk about Restaurant Rows I've
19 only been on this Board for a year and a half
20 or so but you need liquor to survive most of
21 the time for restaurants and I understand
22 that. Thank you very much.

1 Thank you, Mr. Chairman, for the
2 time.

3 CHAIRPERSON FEATHER: Thank you,
4 Mr. Gandhi.

5 Mr. Brooks.

6 MR. BROOKS: Thank you, Mr.
7 Chairman.

8 I think Ms. Gresser and Mr. Medley
9 both have sort of addressed what my question
10 was going to be. It basically concerns what
11 the community would feel if the moratorium was
12 lifted or expanded. Basically you're saying
13 that they would have some concerns about that
14 or not pleased.

15 MS. GRESSER: My feeling is that
16 the business community would be fine with it.
17 The residential community, I think, would not
18 be overjoyed. Obviously, I mean, the ANC
19 members -- the ANC brought this before you and
20 they represent the community so there is a
21 contingent of the community that thinks at
22 least making a change is worthwhile. I don't

1 think that even they would probably be behind
2 getting rid of it.

3 MR. BROOKS: And what would be
4 their main concerns? Is it basic parking,
5 peace and quiet, crime, and things like that?

6 MS. GRESSER: That would be my --
7 I believe that would be the concern. It's
8 been 17 years since I tried to get my original
9 one and those were the concerns then and I
10 don't think that they have changed much.

11 MR. BROOKS: It sounds like the
12 parking has been addressed somewhat with the
13 valet and the program you have going.

14 MS. GRESSER: Right.

15 MR. BROOKS: That would still be a
16 concern, parking.

17 MS. GRESSER: Yes, I think it
18 would be.

19 MR. MEDLEY: I, in fact, am the
20 one that came up with a plan, approached my
21 main street board with it prior to the
22 construction and they just like laughed it's

1 not doable.

2 Then during the construction I
3 personally approached both council members and
4 begged to get a grant cycle which we are now
5 going from help in the city to self-
6 sufficiency on the parking. All the things
7 are set up. Another reason why other thriving
8 businesses help is that it will allow us to
9 reduce our cost and be able to spend more
10 money on alleviating parking issues is the
11 more that belong to the system, the better
12 macro economically the system is.

13 I mean, I have one new restaurant
14 on that street now that doesn't like the
15 neighborhood. Just by them being out of the
16 program it makes all of us pay a little bit
17 more so that changes the scope. Now we are
18 kind of a Restaurant Row.

19 For parking not only do we have a
20 contract through our valet parking situation
21 now which I have. We also have an MOU, as
22 Mike spoke, which, by the way, he did

1 extremely well on getting this out. As we
2 expand and parking demand grows, we can move
3 into the school.

4 Now it's a matter of how much you
5 pay for the bodies and how many valet parkers
6 and then access which we are waiting on the
7 school system because right now the city
8 council as to rules and regulations is
9 tightening the valet parking issue. I don't
10 know exactly where that's at but we can't make
11 the commitment to the school without know that
12 the law will be. Parking is serious for us.

13 MR. BROOKS: Thank you, Mr.
14 Chairman.

15 CHAIRPERSON FEATHER: Thank you,
16 Mr. Brooks.

17 MS. BLOOM: Mr. Brooks.

18 MR. BROOKS: Yes, ma'am

19 MS. BLOOM: I have one thing to
20 add. One second. SoHo Tea and Coffee is in
21 the west apartment building. We are the first
22 level and I have candles. Most of the people

1 who live in West Park come into my coffeehouse
2 and have no objection to SoHo also serving
3 wine. None. Management. I've contacted my
4 management company. I've met with my
5 management company that writes my lease. No
6 issue. I just want to add that.

7 MR. BROOKS: Would they have a
8 concern if there were other newly opened DR
9 and CR licensees?

10 MS. BLOOM: No, I don't think so.
11 I think the concern expressed by the ANC and
12 by DC MAP is no more nightclubs.

13 MR. BROOKS: Oh, definitely not.

14 MS. BLOOM: But in terms of DR and
15 CR licenses, no.

16 MR. MEDLEY: It gives them more
17 choice. Most residents would support it.
18 People that I know and I know almost everybody
19 in the neighborhood.

20 MR. BROOKS: Thank you, Mr.
21 Chairman.

22 CHAIRPERSON FEATHER: Thank you,

1 Mr. Brooks.

2 That concludes the moratorium
3 discussion of your panel so you are certainly
4 excused.

5 Is there anyone in the audience I
6 missed that would like to testify that I
7 didn't -- no re-ups but if anybody that would
8 like to testify, we would be more than happy
9 to -- Tony? No. Just a little levity.

10 MR. SILVERSTEIN: Just very
11 briefly four points. One, the question that
12 Board Member Gandhi asked about DCCA and their
13 support for P Street Restaurant Row was
14 extraordinary.

15 When the restaurants were ready to
16 go under, DCCA members went with us to the
17 Metro at 6:30 in the morning on some mornings
18 so that we could get on the morning television
19 shows. We were handing out leaflets and
20 handing out food. We were on AM Washington or
21 the Fox thing and Channel 7 and getting the
22 news out to people.

1 They had the bodies out there to
2 do that. More than that what it did is it
3 rallied the entire neighborhood and businesses
4 like Mark & Orlando's saw their business
5 triple from what it had been where just nobody
6 was coming in because their sidewalks were
7 ripped up.

8 When you say we're going to go for
9 dinner, the last thing you're going to say is
10 let's go somewhere where there is
11 construction. They were dying and DCCA was a
12 huge backer of Restaurant Row. Second, it was
13 a question about were we advised to come back
14 here.

15 It was not in the order but many
16 of you were at the hearing and Chairman Burger
17 in talking about whether it should be three
18 years or five years spoke of how once the
19 streetscape matter was shaken out, we should
20 revisit this then.

21 We asked for five years. They
22 said five with a three-year reopen. The

1 three-year reopen was the Board's idea and we
2 are following up on that because we believe
3 that is what we should do.

4 As far as -- and this is a matter
5 that is of vital importance. We sought out no
6 one. Two members of our community came to us
7 and said we need changes. We did not want to
8 put up ads plastered all over the place that
9 there is going to be a land rush for liquor
10 licenses because if we did, everybody in this
11 room knows what would have happened.

12 This era of good feeling that we
13 have would have come to an end and there would
14 have been great fear. We want to keep this
15 matter under control. One reason why is
16 people in the West Park Apartment that's 10
17 stories high.

18 When things close after midnight,
19 people come out of the various clubs and there
20 is not enough room for them on the sidewalk.
21 They are out on P Street. Traffic was being
22 blocked. There were horns honking at 2:00 and

1 3:00 in the morning.

2 Mr. Lapada and Mr. Hammond and
3 some of the other people in the apartment at
4 2141 were taking movies of these things that
5 were on television about how this whole area
6 was becoming just the wild west. We all
7 worked together to try to put that down and
8 get everybody to work together.

9 Actually DC MAP opposed our
10 reimbursable detail effort because they felt,
11 and this was their right to feel this way,
12 that some people might be viewed as being
13 pressured into it or whatever. If we open
14 this too wide, this is our great concern is
15 that this reimbursable detail could fall
16 apart.

17 Residents will say, "Why are we
18 going to pay for this because all we're
19 getting is more and more and more and more."
20 I'm not telling you what to do. I'm not
21 telling you what the numbers should be. We're
22 not telling you who should get.

1 We just feel that we should open
2 it up a little bit, that there are some
3 members in the community who are good trusted
4 operators who can survive because of this. We
5 leave it to you.

6 CHAIRPERSON FEATHER: Thank you,
7 Mr. Silverstein.

8 MR. SILVERSTEIN: Thank you, Mr.
9 Chairman.

10 CHAIRPERSON FEATHER: Mr. Grandis,
11 did you have something else to say in the
12 interest of freedom and justice?

13 MR. GRANDIS: We think it was a
14 good hearing. We want to thank your tolerance
15 for putting up with all of us for two hours or
16 so. We are very satisfied with the
17 presentation. Unless you all have questions,
18 we would like to say that you go home.

19 CHAIRPERSON FEATHER: Thank you
20 very much.

21 Mr. Lawson, anything for you?

22 MR. LAWSON: I greatly appreciate

1 Mike Silverstein's memory and his statement of
2 facts of DCCA's support and I second the
3 unofficial motion that you get to go home.

4 CHAIRPERSON FEATHER: Thank you.
5 Thank you all for coming today. Really
6 appreciate it.

7 I did want to say before you go
8 and before we go off the record, we are going
9 to take this under advisement. We'll make an
10 announcement on a decision on Wednesday,
11 October 1st at 1:00 p.m. Thank you.

12 (Whereupon, at 4:03 p.m. the
13 hearing was adjourned.)

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