

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

P R O C E E D I N G S

[1:06 P.M.]

CHAIRMAN FEATHER: The next item of business for the Board is the presentation of the West Dupont Circle Moratorium, following a hearing recently, and I will give you the exact date of that.

Excuse me. Could we take any decisions in the side room, please? Thank you.

I am going to be putting this before the Board for a vote, and it is my recommendation that the Board accept this decision.

The Board received a written letter from Advisory Neighborhood Commission 2B dated May 15, 2008, requesting that the Board amend the existing West Dupont Circle Moratorium as permitted by D.C. Official Code 25-351F to allow for two additional Class DR licenses.

ANC-2B's letter indicates that

1 permitting the addition of those restaurants
2 will contribute to the revitalization of a
3 neighborhood that has suffered adverse effects
4 from construction during the recent
5 streetscape improvements.

6 ANC-2B indicated that these two
7 additional licenses would not adversely impact
8 the peace, order and quiet, because these
9 licenses are only for restaurants located in
10 an area known as Restaurant Row.

11 ANC-2B also asks that alcoholic
12 beverage sales not exceed midnight, to prevent
13 further late night noise and other peace,
14 order and quiet problems in the neighborhood.

15 The Board also received a May 8,
16 2008, written request from the Dupont Circle
17 Merchants and Professionals Association
18 seeking to modify the West Dupont circle
19 Moratorium Zone to allow for the issuance of
20 Class CR and BR licenses.

21 The Board held a public hearing on
22 the written request of ANC-2B and D.C. MAP on

1 September 17, 2008, pursuant to the notice
2 requirements of D.C. Official Code 25-354.

3 The Board received timely detailed
4 testimony and comments on these two requests
5 from ANC-2B, the Dupont Circle Citizens
6 Association, DCMAP and nearby Dupont Circle
7 business owners.

8 The Board found the testimony and
9 comments provided in response to these two
10 requests to warrant increasing the current
11 limit on Class CR and Class BR retailers
12 licenses in the West Dupont Circle Moratorium
13 Zone from 17 to 21.

14 While the request of DCMAP was to
15 remove the current limit on additional
16 restaurant licenses, the Board found the
17 testimony at the September 17, 2008, public
18 hearing to reflect that keeping a specific cap
19 on the number of existing restaurant licenses
20 in this area remains necessary to preserve a
21 proper balance in the neighborhood.

22 In reaching its decision, the

1 Board gave great weight to the written
2 recommendation of ANC-2B, as required by
3 Section 13(b)(3) of the Advisory Neighborhood
4 Councils Act of 1975 effective October 10,
5 1975, D.C. Law 1-21, D.C. Official Code
6 1309.10(d)(3) 2001 as amended, and D.C.
7 Official Code 25-609, 2001.

8 ANC-2B's initial May 15, 2008
9 letter requested two additional licenses.
10 Testimony received from ANC-2B Commissioner
11 Mike Silverstein reflected that, while ANC-2B
12 believed that a limit on restaurant licenses
13 was needed, it was not strictly wedded to
14 limiting it to just two licenses.

15 The Board found that four
16 additional licenses are appropriate, for
17 several reasons. First, testimony received
18 from the Board, including from ANC-2B and
19 several businesses, referenced the need to
20 promote the area as a Restaurant Row.

21 The Board found that adding four
22 additional restaurant licenses was consistent

1 with this effort.

2 Second, at the September 17, 2008,
3 public hearing, three businesses testified
4 that they intended to apply for a new
5 restaurant license, if eligible.

6 Additional written correspondence
7 provided to the Board from businesses not
8 present at the hearing, as well as from DCMAP,
9 reveal that more than the three businesses
10 present at the September 17, 2008, public
11 hearing intend to apply for a new restaurant
12 license, if eligible.

13 Because the Board accepts
14 applications on a first come, first served
15 basis, the Board did not believe it was
16 appropriate to potentially exclude businesses
17 with neighborhood support.

18 ANC-2B also recommended to the
19 Board that these new restaurants, first, have
20 alcoholic beverage sales limited to midnight
21 to prevent further late night noise and other
22 peace, order and quiet problem in the

1 neighborhood, and second, be limited to beer
2 and wine only.

3 The majority of business owners
4 who testified at the September 17, 2008,
5 public hearing or submitted written
6 correspondence indicated that their alcoholic
7 beverage sales would end by midnight.

8 The Board is generally supportive
9 of ANC-2B's request to assure that these new
10 establishments do not have an adverse impact
11 on peace, order and quiet late at night.

12 Along these lines, the Board intends to take
13 into account ANC-2Bs request when considering
14 these new restaurant license applications.

15 The Board believes, however, that
16 some flexibility may be needed, and that it
17 makes more sense to put in place a restriction
18 on alcoholic beverage sale hours through
19 either a voluntary agreement or the protest
20 process.

21 The Board did not agree with ANC-
22 2B's recommendation that these additional

1 restaurant licenses be limited to beer and
2 wine only. Specifically, the Board does not
3 believe that allowing the sale of spirits will
4 adversely impact the peace, order and quiet of
5 the West Dupont Circle Moratorium Zone, if
6 alcoholic beverage sale hours at these new
7 restaurants will either end by midnight or be
8 restricted in some manner.

9 The Board is willing to consider
10 such a restriction on a case by case basis as
11 part of a voluntary agreement or the protest
12 process.

13 The statements set forth above
14 reflect the written reasons for the Board's
15 decision as required by Subsection 303 of
16 Title 23 DCMR dated 2004.

17 That is my recommendation to the
18 Board. How say you, Mr. Alberti?

19 MEMBER ALBERTI: I concur, Mr.
20 Chairman.

21 CHAIRMAN FEATHER: Thank you. Mr.
22 Brooks?

1 MEMBER BROOKS: I agree.

2 CHAIRMAN FEATHER: Thank you. Ms.

3 Moy?

4 MEMBER MOY: I concur.

5 CHAIRMAN FEATHER: Thank you. Mr.

6 Gandhi?

7 MEMBER GANDHI: I agree.

8 CHAIRMAN FEATHER: Thank you. Mr.

9 Brodsky?

10 MEMBER BRODSKY: Concur.

11 CHAIRMAN FEATHER: Thank you. Mr.

12 Jones?

13 MEMBER JONES: I agree.

14 CHAIRMAN FEATHER: Thank you, and

15 I, Peter Feather, agree. That is seven in

16 favor, none opposed.

17 I would make a comment, now that
18 we are past that, for the future. Although it
19 was not in the order, we may see it in a final
20 version, to the effect that as a Board we are
21 not real clear that going forward we shouldn't
22 increase the licenses in this area on almost

<p style="text-align: center;">A</p> <p>above-entitled 1:15 accept 2:14 accepts 6:13 account 7:13 Act 5:4 adding 5:21 addition 3:1 additional 2:22 3:7 4:15 5:9,16,22 6:6 7:22 Administration 1:4 1:17 adverse 3:3 7:10 adversely 3:7 8:4 Advisory 2:18 5:3 agree 7:21 9:1,7,13 9:15 agreement 7:19 8:11 Alberti 1:21 8:18 8:19 alcoholic 1:3,17 3:11 6:20 7:6,18 8:6 allow 2:22 3:19 allowing 8:3 amend 2:20 amended 5:6 ANC 7:21 ANC-2B 3:6,11,22 4:5 5:2,10,11,18 6:18 ANC-2Bs 7:13 ANC-2B's 2:24 5:8 7:9 applications 6:14 7:14 apply 6:4,11 Appreciate 10:10 appropriate 5:16 6:16 area 3:10 4:20 5:20 9:22 asks 3:11 Association 3:17 4:6</p>	<p>assure 7:9 as-needed 10:1 attention 10:11</p> <hr/> <p style="text-align: center;">B</p> <p>B 1:21 balance 4:21 basis 6:15 8:10 10:1 beer 7:1 8:1 believe 6:15 8:3 believed 5:12 believes 7:15 beverage 1:3,17 3:12 6:20 7:7,18 8:6 Board 1:4,17 2:4 2:13,14,17,20 3:15,21 4:3,8,16 5:1,15,18,21 6:7 6:13,15,19 7:8,12 7:15,21 8:2,9,18 9:20 Board's 8:14 BR 3:20 4:11 Brodsky 1:22 9:9 BRODSKY:Con... 9:10 Brooks 1:22 8:22 9:1 business 2:4 4:7 7:3 businesses 5:19 6:3 6:7,9,16</p> <hr/> <p style="text-align: center;">C</p> <p>C 2:1 cap 4:18 Capitol 1:14 case 8:10,10 10:12 certainly 10:2,7 Chairman 2:3 8:20 8:21 9:2,5,8,11,14 Chairperson 1:21 CHARLES 1:22 circle 1:8 2:5,20 3:16,18 4:5,6,12 8:5 Citizens 4:5</p>	<p>Class 2:22 3:20 4:11,11 clear 9:21 Code 2:21 4:2 5:5,7 Columbia 1:1,16 come 6:14 coming 10:10 comment 9:17 comments 4:4,9 Commission 2:18 Commissioner 5:10 concluded 10:13 concur 8:19 9:4 consider 8:9 considering 7:13 consistent 5:22 construction 3:4 contribute 3:2 convened 1:15 correspondence 6:6 7:6 Councils 5:4 CR 3:20 4:11 current 4:10,15</p> <hr/> <p style="text-align: center;">D</p> <p>D 2:1 date 2:8 dated 2:19 8:16 DCMAP 4:6,14 6:8 DCMR 8:16 decision 1:9 2:15 4:22 8:15 decisions 2:10 detailed 4:3 discussing 10:5 discussions 10:7 District 1:1,16 DONALD 1:22 DR 2:22 Dupont 1:8 2:5,20 3:16,18 4:5,6,12 8:5 D.C 1:14 2:21 3:22 4:2 5:5,5,6</p> <hr/> <p style="text-align: center;">E</p>	<p>E 2:1,1 effect 9:20 effective 5:4 effects 3:3 effort 6:1 either 7:19 8:7 eligible 6:5,12 encourage 10:4 establishments 7:10 exact 2:8 exceed 3:12 exclude 6:16 Excuse 2:9 existing 2:20 4:19</p> <hr/> <p style="text-align: center;">F</p> <p>favor 9:16 Feather 1:21 2:3 8:21 9:2,5,8,11,14 9:15 final 9:19 first 5:17 6:14,14 6:19 flexibility 7:16 following 2:6 forth 8:13 forward 9:21 found 4:8,16 5:15 5:21 four 5:15,21 further 3:13 6:21 future 9:18</p> <hr/> <p style="text-align: center;">G</p> <p>G 2:1 Gandhi 1:23 9:6,7 generally 7:8 give 2:6 going 2:12 9:21 GOVERNMENT 1:1 great 5:1</p> <hr/> <p style="text-align: center;">H</p> <p>hearing 1:13 2:6 3:21 4:18 6:3,8,11 7:5</p>	<p>held 3:21 HERMAN 1:23 hours 7:18 8:6</p> <hr/> <p style="text-align: center;">I</p> <p>impact 3:7 7:10 8:4 improvements 3:5 including 5:18 increase 9:22 increasing 4:10 indicated 3:6 7:6 indicates 2:24 initial 5:8 intend 6:11 intended 6:4 intends 7:12 issuance 3:19 issue 10:5 item 2:3</p> <hr/> <p style="text-align: center;">J</p> <p>Jones 1:23 9:12,13 JUDY 1:24</p> <hr/> <p style="text-align: center;">K</p> <p>keeping 4:18 known 3:10</p> <hr/> <p style="text-align: center;">L</p> <p>late 3:13 6:21 7:11 Law 5:5 letter 2:18,24 5:9 license 6:5,12 7:14 licenses 2:23 3:7,9 3:20 4:12,16,19 5:9,12,14,16,22 8:1 9:22 limit 4:11,15 5:12 limited 6:20 7:1 8:1 limiting 5:14 lines 7:12 10:8 located 3:9</p> <hr/> <p style="text-align: center;">M</p> <p>M 1:23 majority 7:3 manner 8:8 MAP 3:22</p>
--	--	--	--	---

<p>matter 1:7,15 Member 1:21,22 1:22,23,23,24 8:19 9:1,4,7,10,13 Merchants 3:17 midnight 3:12 6:20 7:7 8:7 Mike 5:11 MITAL 1:23 modify 3:18 Moratorium 1:9 2:5,21 3:19 4:12 8:5 Moy 1:24 9:3,4</p>	<p>parties 10:5 peace 3:8,13 6:22 7:11 8:4 permitted 2:21 permitting 3:1 Peter 1:21 9:15 place 7:17 please 2:10 potentially 6:16 present 6:8,10 presentation 2:4 preserve 4:20 prevent 3:12 6:21 problem 6:22 problems 3:14 process 7:20 8:12 Professionals 3:17 promote 5:20 proper 4:21 protest 7:19 8:11 provided 4:9 6:7 public 3:21 4:17 6:3,10 7:5 pursuant 4:1 put 7:17 putting 2:12 p.m 1:16 2:2 10:12</p>	<p>remove 4:15 request 3:16,22 4:14 7:9,13 requested 5:9 requesting 2:19 requests 4:4,10 required 5:2 8:15 requirements 4:2 response 4:9 responsive 10:7 restaurant 3:10 4:16,19 5:12,20 5:22 6:5,11 7:14 8:1 restaurants 3:1,9 6:19 8:7 restricted 8:8 restriction 7:17 8:10 retailers 4:11 reveal 6:9 revisit 10:2,3 revitalization 3:2 room 1:13 2:10 Row 3:10 5:20</p>	<p>streetscape 3:5 strictly 5:13 subject 10:4 submitted 7:5 Subsection 8:15 suffered 3:3 support 6:17 supportive 7:8</p>	<p>iiiiiiiiiiiiii... 1:6,10 <hr/> ° <hr/> ° 1:6,7,8,8,9,9,10 <hr/> 1 <hr/> 1 1:12 2:1 1-21 5:5 1:06 1:16 2:2 1:14 10:12 10 2:11 5:4 11 2:12 12 2:13 13 2:14 13(b)(3) 5:3 1309.10(d)(3) 5:6 14 2:15 15 2:17,19 5:8 16 2:18 17 2:19 4:1,13,17 6:2,10 7:4 18 2:20 19 2:21 1975 5:4,5</p>
<p style="text-align: center;">N</p> <hr/> N 2:1 nearby 4:6 necessary 4:20 need 5:19 needed 5:13 7:16 neighborhood 2:18 3:3,14 4:21 5:3 6:17 7:1 new 6:4,11,19 7:9 7:14 8:6 NICK 1:21 night 3:13 6:21 7:11 noise 3:13 6:21 North 1:14 notice 4:1 number 4:19 NW 1:14	<p style="text-align: center;">Q</p> <hr/> quiet 3:8,14 6:22 7:11 8:4	<p style="text-align: center;">S</p> <hr/> S 2:1 sale 7:18 8:3,6 sales 3:12 6:20 7:7 second 6:2 7:1 Section 5:3 see 9:19 seeking 3:18 sense 7:17 September 4:1,17 6:2,10 7:4 served 6:14 set 8:13 seven 9:15 side 2:10 Silverstein 5:11 specific 4:18 Specifically 8:2 spirits 8:3 statements 8:13 Street 1:14	<p style="text-align: center;">T</p> <hr/> take 2:9 7:12 testified 6:3 7:4 testimony 4:4,8,17 5:10,17 thank 2:10 8:21 9:2 9:5,8,11,14 10:9 three 6:3,9 time 10:4 timely 4:3 Title 8:16 today 10:10 two 2:22 3:6 4:4,9 5:9,14	<p style="text-align: center;">2</p> <hr/> 2 2:2 2B 2:19 2B's 7:22 20 2:22 20002 1:14 2001 5:6,7 2004 8:16 2008 1:12 2:19 3:16 4:1,17 5:8 6:2,10 7:4 2011 10:3 21 2:23 4:13 22 2:24 23 8:16 25-351F 2:22 25-354 4:2 25-609 5:7
<p style="text-align: center;">O</p> <hr/> O 2:1 October 1:12 5:4 Official 2:21 4:2 5:5,7 opposed 9:16 order 3:8,14 6:22 7:11 8:4 9:19 owners 4:7 7:3	<p style="text-align: center;">R</p> <hr/> R 2:1 reaching 4:22 real 9:21 reasons 5:17 8:14 received 2:17 3:15 4:3 5:10,17 recommendation 2:14 5:2 7:22 8:17 recommended 6:18 referenced 5:19 reflect 4:18 8:14 reflected 5:11 Regulation 1:3,17 remains 4:20	<p style="text-align: center;">V</p> <hr/> version 9:20 voluntary 7:19 8:11 vote 2:13	<p style="text-align: center;">W</p> <hr/> warrant 4:10 Washington 1:14 wedded 5:13 Wednesday 1:12 weight 5:1 West 1:8 2:5,20 3:18 4:12 8:5 willing 8:9 wine 7:2 8:2 written 2:17 3:16 3:22 5:1 6:6 7:5 8:14	<p style="text-align: center;">Z</p> <hr/> Zone 3:19 4:13 8:5
<p style="text-align: center;">P</p> <hr/> P 2:1 part 8:11			<p style="text-align: center;">Z</p> <hr/> Z	<p style="text-align: center;">3</p> <hr/> 3 2:3 303 8:15

<hr/> 4 <hr/>				
42:4				
<hr/> 5 <hr/>				
52:5				
<hr/> 6 <hr/>				
62:6				
<hr/> 7 <hr/>				
72:8				
7100 1:13				
<hr/> 8 <hr/>				
82:9 3:15				
<hr/> 9 <hr/>				
92:10				
941 1:14				