

Public Meeting Number 1 – West Dupont Circle Moratorium Committee

January 18, 2011 – 7pm

Committee Members in Attendance

Kevin O'Connor, Commissioner ANC2b02
Mike Feldstein, Commissioner ANC2b01
Donald Benedick, representative of ANC2b06
Robin Diener, DCCA representative
Aaron McGovern, DC MAP representative

Also in Attendance:

Fred Moosally, ABRA Director

Minutes from the Meeting

Introduction was given by Commissioner O'Connor.

- Explanation of process and goals – will present report at Feb. ANC meeting
- Next Meetings will be January 26 and February 8
- Introduction of ABRA Director Moosally

ABRA Director Moosally gave presentation and answered questions.

- ABRA hearing will take place if the process continues past the ANC and a recommendation is made.
- History of this Moratorium
 - o Has been in effect 5 years (last renewed 2006)
 - o First enacted in 1990s
 - o Amended in 2008 to amend from 17 DR/CRs to 21 DR/CR
 - Total now 34
 - o Currently 21 CRs (Philips Gallery given CX exchanged for reduction of one CR license in 2010)
 - o 1500 CT Ave exempted out of moratorium in 2008
 - o No nightclubs currently in Moratorium zone.
 - o There are no Licenses in safe keeping
 - o Hotels are exempt
 - o Dupont Underground is not covered – ABRA would like clarification
 - o 2006 there was an allowance for 3 lateral expansions

Question from Ruth Horn (ANC2B02 resident): What happened at 1500 CT Ave?

Director Moosally: It was exempted

Ms. Horn: Why isn't more of CT Ave covered?

Director Moosally: Boundaries for moratoria can be 600, 1200 or 1800 feet. That area is outside the zone

Ms. Horn: What if the Moratorium lapsed?

Director Moosally had no comment but said it would be up to the ANC and they could use VAs.

Question from Jeff Krehbiel: What else is in place to control licensing besides the Moratorium?

Director Moosally: the protest and VAs exist.

Question from Robin Diener (Committee): Is there demand for licenses?

Director Moosally: there has been. An example is Ping Pong Dim Sum.

Question from Jim Dudney: How does it work with Hotels?

Director Moosally: it depends on the relationship with the restaurant but they are generally exempt.

Ms. Diener: Could A hotel have a nightclub?

Director Moosally: Conceivably, yes.

Ms. Diener: Is this a zoning issue or a licensing issue? We need more communication across DC government.

Director Moosally: We are meeting with Zoning, so it's possible we may address some of this.

- ABRA will exempt blocks but not addresses.

Mr. Dudney: Can you set criteria for exemptions?

Director Moosally: It is possible.

Question: What is the difference between Restaurant and Tavern?

Director Moosally: Generally, the food requirements and reporting to ABRA.

Director continued his presentation.

- Moratorium Process
 - o Requires an ANC vote
 - o Ask for Council review
 - o MPD review
 - o Must be 3 or 5 years
 - o 600, 1200, 1800 feet
 - o Classes that can be regulated include A/B/C/D

- Can object on behalf of:
 - Peace/Order/Quiet
 - Adverse impact on parking/pedestrian safety
 - Adverse effect on property value
 - Over concentration
- ABRA tries to avoid continuance
- Nude Dancing is not impacted and need not be considered

Question from Bob Oaks (ANC2B02 resident): What are other moratorium areas?

Director Moosally: Georgetown, Glover Park, Adams Morgan, Dupont East, Dupont West

Question from Mr. Oaks: Do they go away? Any precedent for expiration?

Director Moosally: Usually, they are continued. None have gone away yet.

Question from Commissioner Feldstein: Do the supermarkets count?

Director Moosally: Yes, class A/B count.

Question from Mr. Dudney: What happened with Pesce?

Commissioner O'Connor: License holders can sell them. Pesce probably bought the Johnny Half-Shell license.

Director Moosally: They can also be obtained through judicial actions and settlements

Ms. Diener: Do new applicants still need to reapply and placard?

Director Moosally: yes.

Ms. Diener: Do licenses die?

Director Moosally: yes. They are not free either.

Commissioner Feldstein thanked Director Moosally on behalf of the Committee and the ANC.

General Discussion began.

Comment from Mr. Rick Schreiber (ANC 2b02 resident): Moratorium is good because it allows 3 residents and not 5 for protesting. (Director Moosally confirms this).

Resident expresses concern about parking if the moratorium is lifted.

- Commissioner Feldstein questions whether this would be the case with or without alcohol.
- It was pointed out that hours for licensees now is til 3am on weekends and 2am on weekdays (unless stipulated by a VA or otherwise).

Commissioner O'Connor raises the point of benchmarks. What should we consider to measure the effectiveness of a Moratorium if we continue? How do you feel about this?

Commissioner Feldstein elaborates: for 17th street Moratorium, we didn't measure noise levels to include in moratorium, should we have?

- Evaluations check-ins?
- Is there a 6 month review period?

Director Moosally: if the ANC acts, it must wait 2 years to act again. But you can ask ABRA to review after a period of time (i.e. 6 months).

Ms. Diener: Can we change the number of CR/DR licenses only?

Director Moosally: Absolutely.

Mr. Dudney: What about liquor stores?

- Commissioner O'Connor: you can regulate those in the Moratorium.

Ms. Horn requests comments from Aaron McGovern.

- Generally businesses don't like restrictions but they understand why they are there as well.
- VAs exist to isolate problems and help control them individually

Commissioner Feldstein: There hasn't been a moratorium on CT Ave, interesting that it hasn't been much of an issue there. We should look at the number of new licenses there the past 10 years.

- How much room is let there?
- Business have very large costs associated with starting up and occupying spaces that aren't already restaurants.

Ms. Diener: What were the issues at the beginning? What caused it to go in place? Are there changes? Crime rate?

Comment from public: Moratorium is a good resource, but it shouldn't be the only resource, we need zoning and VAs and other tools to keep things in check.

We need to help separate the good neighbors from the bad neighbors. What is the best way to do this?

Ms. Diener: It seems the ANC in the past has been reluctant to shut down bad offenders. Let's them go on.

- Commissioner Feldstein did think this was the case. Marrakesh being an example.

Next Meeting will be January 26, 2011. – Meeting adjourned.