

Public Meeting Number 2 – West Dupont Circle Moratorium Committee

February 8, 2011 – 7pm

Committee Members in Attendance

Kevin O'Connor, Commissioner ANC2b02

Mike Feldstein, Commissioner ANC2b01

Donald Benedick, representative of ANC2b06

Robin Diener, DCCA representative

Committee Members in Absent

Aaron McGovern, DC MAP representative

Also in Attendance:

Lt. Scott Dignan, MPD

Sgt. Bryant Jeter, MPD

Ramon Estrada, Commissioner ANC2b09

Minutes from the Meeting

Introduction was given by **Commissioner O'Connor**

- Explanation of Process thus far
- Next Meeting Feb. 17

Question from **Tom McMahon** (resident outside Moratorium): If you can cut out blocks of the Moratorium, can you also add to it?

Commissioner Ramon Estrada: It has to be done in increments of 600'
Commissioner O'Connor: There may be jurisdictional problems occurring should that happen. We need to keep that in mind.

Question from **Robin Diener:** We should ask if we can determine whether or not moratoria have an effect of pushing nightclubs/taverns to surrounding areas outside the Moratorium zone.

Comment from **Ellen McCarthy** (American Council on Education): Question about one block in the Moratorium zone: the space of One Dupont Circle.

- A building of non-profits, 75% of rent comes from renting space below
- Not able to keep retail interested in space only restaurants have been approaching about vacant space
- For retail to succeed it needs to have a critical mass in an area. This is the reason many business on southern CT Avenue NW are successful. Nothing on this particular block, however offers this. The building opposite has office space and Front Page restaurant.
- Little foot traffic there now
- Can we look at exempting the block?

Comment from **Fran McDonald** (business owner – Ping Pong Dim Sum): We are looking to move to that space. We think the important thing is the focus on food driven businesses versus liquor focused ones. We are food focused.

Comments from Metropolitan Police Department

Lt. Dignan: Our basic concern is public safety.

- P Street was never on our radar until one establishment changed that
 - The establishment in question has agreed to a reimbursable detail for only Fridays and Saturdays – Thursdays cut back
 - Details does help some
- I'd rather see restaurants on the streets than vacant space
 - We actually need more pedestrian traffic. It makes it far safer to have more people than less.
- We would worry about police presence/effectiveness if there were more nightclubs to watch out for

Question from **Commissioner Feldstein:** People always used to get out of taverns on P street at 1-2am, what is different now?

Lt. Dignan: It's really been the one problem actor. Promoters seem to be one of the big issues. If we did that it would help.

Sgt. Jeter: Officers on detail still have to respond if there is a problem in the area, it makes it hard.

Robin Diener: I've seen a problem around O street between 23rd and 20th do you notice this?

Lt. Dignan – yes, but we have increased patrols and it has helped a lot.

- MPD hates vacant property – more foot traffic is better.

Question from **Sandy Spellman** (ANC 2B02 resident): What is the difference between tavern versus restaurant license?

Commissioner O'Connor: the focus is on selling food and the requirements in the license.

Comments from **Luigi Diotauiti** (business owner – Al Tiramisu): I've been a business owner for over 20 years in Dupont. We don't want to see empty space here.

- The emphasis should be quality over quantity.
- The type of licenses we are allowing is very important.
- Please move people into the One Dupont Circle space, more traffic is good.

Commissioner Estrada: Does MPD plan to testify on this matter?

- Lt. Dignan: Not at this point.

Comment **Ellen McCarthy:** a Moratorium seems to be a blunt tool. It would be far more effective to work with ABRA and make better VAs.

- Targeted approach is far more effective

- CR licenses have restrictions built in to them in the regulations for example: no cover charges/30% liquor rule
- Safeguards are built into the process

Sandy Spellman: The regulatory system doesn't seem to be working, that's the problem. Is there a way to help force enforcement matters? How often are Tavern licenses up for renewal?

Commissioner O'Connor: 3 years.

Robin Diener: ABRA enforcement problem – there is a big disconnect. We've raised issues again and again but its hard to get enforced

Luigi Diotauti: We have a good mix in Dupont Circle. We should be very proud.

- No one complains about the restaurants – it has to do with license types
- If something happens at vacant property, it impacts all of us – let's not ruin what we have

Comment from **Susan Lindall** (resident outside Moratorium zone): The advantages of a Moratorium are that they make it easier for residents to mobilize against a bad actor.

Robin Diener: We should be looking block by block, we should be able to carve things out and add things in – it's really a zoning matter. The current way of defining things is too arbitrary.

Comments: Ruth Giesser (business owner – Pizzeria Paradiso):

- I was a business owner when the Moratorium first went into effect, it is interesting to see the difference in tone – people used to be scared of restaurants now they are embracing them
- I always thought laws exist to control businesses, but I see how the Moratorium offers a compromise on some levels.
- We moved our location – the Moratorium prevented us from expanding where we were – but we were able to move down the road into a bigger space
- It can be a bigger expense, but I'm glad it worked out

Comment Carolyn Brennan (ANC2B06 resident): I love that the Moratorium exists.

- I support cutting out the block of One Dupont Circle
- I like how P Street is currently
- I'm not against getting more restaurants but I do like our balance

Comment Susan Lindall: Can a restaurant stay open until 3am?

Commissioner O'Connor: Yes

Commissioner Estrada: We are looking at best practices for VAs with the ANC – the best practices seem to support early VAs at the beginning of licenses.

Commissioner Feldstein: If the Moratorium ended, would we be able to just institute stronger VAs for all businesses at the same time?

Robin Diener: What if we allowed a limited amount of lateral expansions?

Ruth Giesser: That would have solved our problems

Commissioner Estrada: Has the Moratorium served its purpose? – the ABRA board was actually looking at Sunset provisions for it.

- ABRA will ask you at the hearing when you think it should end.

Commissioner O'Connor: At their root, they are intended to be temporary – the question is when should that be ended?

Robin Diener: But can we answer we don't know when? How will we define success?

Sandy Spellman: Moratorium needs to stay because we have a system where VAs try to replace bad regulations that aren't working.

Ruth Giesser: We should be focusing on problem licensees

- Under the current Moratorium a license is more valuable

Commissioner Estrada: successors do assume the VA – so that is a valuable tool

Ellen McCarthy: but selling license can restrict the type of business to move in because it can price people out – less likely to get a small/local business

Ruth Giesser: rents do move what moves in and impacts things

Ellen McCarthy: Actually the caps on licenses may impact rent too, requires more investment and discourages small businesses

Luigi Diotauti: The clients that are attracted to the area are important. When the president wants to dine in your neighborhood, we all benefit.

- Can we stop a McDonalds-type from getting in the area?

Commissioner O'Connor: that's not really in our power, it's more liquor focused.

Fran McDonald: There is a big entry cost for restaurants – a large capital investment is required – this is why restaurants operate differently.