

C-O-N-T-E-N-T-S

PUBLIC COMMENT:

PANEL 1:

Amir Irani, ANC-1C01 8

Denis James, KCA 15/51

Ted Guthrie, ANC-1C03. 19/68

William Simpson, RCNA. 39/71

PANEL 2:

Benedicte Aubrun, Ward 1 Resident. 58/80

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

2 11:03 a.m.

3 CHAIRPERSON ANDERSON: All right.

4 We're back on the record. We have a Public
5 Hearing on the Adams Morgan Moratorium.

6 All right. Well, let me make this and
7 I'll call folks up. Good morning. We are here
8 today to take public comment on several proposals
9 concerning the renewal of the Adams Morgan
10 Moratorium Zone.

11 By way of background, the Board voted
12 on August 15, 2018 to adopt emergency rules. The
13 emergency rules were necessary to extend the
14 existing moratorium for 120 days, so that the
15 Board can take comment on the future of this
16 moratorium. The emergency rules expire on
17 December 31, 2018.

18 The Board initially scheduled this
19 Public Hearing for September 19, 2018. However,
20 having provided notice in accordance with DC
21 Official Code Section 25-353 and Section 25-354,
22 the hearing was subsequently rescheduled to

1 October 3, 2018 at the request of Advisory
2 Neighborhood Commission 1C.

3 To date, I think this might have
4 changed, but if we -- if it's incorrect then let
5 me know. I think I was told that we were issued
6 -- we were provided a resolution by the parties.
7 Initially, my statement said that we had not
8 received any resolution, but I think I was told--
9 I have not seen it yet, but I think that we have
10 been provided a resolution from the ANC and the
11 Adams Morgan Business Improvement District. I
12 believe that was received.

13 I say additionally, yesterday ABRA's
14 legal staff received a joint resolution from the
15 ANC, the Kalorama Citizens Association and the
16 Reed-Cooke Neighborhood Association. Rather than
17 summarizing the resolution, as we have done in
18 the past years, we will rely on the petitioners
19 to describe these proposals in greater detail.

20 Additionally, we will hear from others
21 who are present today to speak to the proposals
22 or to speak to the issues of the moratorium and

1 the neighborhood in general.

2 The Board's first witness panel will
3 include: Hector Huezo, Chair of, and if I
4 butcher your name, I apologize, ANC-1C; Denis
5 James, President of the KCA; and Billy Simpson,
6 President of RCN.

7 The Board's second panel will include:
8 It was supposed to include Matt Wexler, President
9 of Mandolin Partners, but I was told that he
10 could not be here today, so he just provided his
11 written statement. And I think from Ms.
12 Benedicte Aubrun, who is an Adams Morgan
13 resident, if she is here.

14 After hearing from persons who
15 notified the Board that they wanted to testify at
16 today's hearing, all others present will be given
17 the opportunity to address the Board regarding
18 this moratorium.

19 Each individual is allocated 5 minutes
20 to speak. As your time is limited, your comments
21 should focus on the merits of the moratorium
22 issue. To avoid repetition, you are free to

1 state that you agree with comments made by the
2 other individuals.

3 While your testimony is limited to 5
4 minutes, please, know that you can submit written
5 testimony, which will be fully considered by the
6 Board until close of business on October 12,
7 2018.

8 If you have prepared copies of your
9 testimony today, please, provide them to Ms.
10 Walker when you come to the table and she will
11 distribute them to the Board.

12 I will now call the first witnesses
13 forward. Please, identify yourself for -- once
14 your panel is seated.

15 So the first panel should be Mr.
16 Hector Huevo, Chairman or his designee from
17 Advisory Neighborhood Commission 1C; William
18 Simpson, President Reed-Cooke Neighborhood
19 Association; and Mr. Denis James, President of
20 the Kalorama Citizens Association.

21 If you are one of those witnesses,
22 could you, please, move forward, please?

1 MR. GUTHRIE: Our chair, Mr. Huevo, is
2 unavailable, so I, Ted Guthrie, am here on behalf
3 of the ANC and also Amir Irani is here on behalf
4 of the ANC.

5 CHAIRPERSON ANDERSON: No, that's
6 fine. I said or his designee, so just identify.
7 We can have everyone -- you can identify yourself
8 for the record and let me know who you are
9 representing and if you have a written statement
10 that I -- I am not sure if I have it in front of
11 me, if you can provide it to the Board? If you
12 have previously provided to the Agency, then it's
13 submitted.

14 So we can start with -- identify
15 yourself for the record. I'll ask that everyone
16 sign-in and you can identify yourselves for the
17 record and you can begin your testimony. Who
18 wants to start?

19 MR. IRANI: I'll start. Amir Irani,
20 that's A-M-I-R, is the first name, I-R-A-N-I, is
21 the last name.

22 CHAIRPERSON ANDERSON: Hold on one

1 minute, Mr. Irani. Could I ask everyone to
2 silence their phone? I don't think that we are
3 going to be here until 2:18, but just in case we
4 are here until 2:18, I'm going to ask everyone to
5 turn their phones off, because at 2:18 we are
6 going to all get a text message that unless your
7 phone is turned off, and I'm not telling you to
8 turn off your phone, but if we are here at 2:18,
9 we will probably need to stop because we all --
10 all our phones will go off at 2:18 if they are
11 on. So go ahead, sir.

12 MR. IRANI: Sure. So my name is Amir
13 Irani. I'm here as an ANC Commissioner of ANC-
14 1C. I represent 1C01. I'm also Chair of the
15 ANC's Public Safety and ABC Committee.

16 CHAIRPERSON ANDERSON: You can -- if
17 you want to testify, you can go forward, sir.

18 MR. IRANI: Good morning, Mr.
19 Chairman. Thank you for having me. I'm an ANC
20 Commissioner, as I just said, representing 1C01,
21 Chair of our ANC's Public Safety and ABC
22 Committee and I have lived in ANC-1C for nearly

1 nine years now.

2 Over the last 20 months or so, our
3 ANC's ABC Committee has negotiated about 12
4 settlement agreements with ABC establishments in
5 our ANC. 12 settlement agreements may not seem
6 like a high number, but these are all new
7 establishments opening in our area and that
8 doesn't count some of the new establishments like
9 Grand Duchess, Pitchers and Green Zone that are
10 operating under existing settlement agreements.

11 The reason why I point these out is to
12 point out that the moratorium has hardly had a
13 chilling effect on business. There is at least
14 one new ABC establishment opening every eight
15 weeks in Adams Morgan.

16 I'm grateful that my neighborhood has
17 a strong urban character that is culturally
18 diverse, densely populated and includes vibrant
19 restaurants and other walkable elements that
20 characterize the best qualities of urban living.

21 I interact with residents and business
22 for commercial property owners several times a

1 month, either as a neighbor, patron or as a
2 member of my ANC.

3 I could quote many of my neighbors or
4 fellow commissioners to express their desire to
5 renew the moratorium, but I don't want to repeat
6 what has already been conveyed or well-conveyed
7 in an ANC resolution and transmitted to ABRA.

8 Instead, I'll paraphrase the
9 District's Comprehensive Plan written by our
10 Office of Planning to guide our future grow and
11 development.

12 Preference for local serving
13 businesses: We should encourage small businesses
14 that meet the needs of our local residents,
15 rather than higher concentrations of liquor
16 licensed establishments. And another policy on
17 Mixed-Use Districts within densely populated
18 mixed-use commercial/residential areas, such as
19 Columbia Road, we should encourage commercial
20 uses that do not adversely impact the established
21 residential neighborhood.

22 Given all that I have said, it's no

1 surprise to ANC-1C overwhelmingly supports the
2 renewal and amendment of the Adams Morgan
3 Moratorium Zone. And on behalf of our ANC, thank
4 you for taking the time to listen.

5 CHAIRPERSON ANDERSON: I know that you
6 are reading a statement. If you want to email
7 that to the Agency, so at least it will be part
8 of the written record, you are welcome to do
9 that, sir.

10 MR. IRANI: Sure. Thank you.

11 CHAIRPERSON ANDERSON: All right.

12 Yes, sir?

13 MR. JAMES: Good morning. I'm Denis
14 James, President of Kalorama Citizens
15 Association.

16 CHAIRPERSON ANDERSON: Good morning,
17 Mr. James.

18 MR. JAMES: With ANC-1C and the Reed-
19 Cooke Neighborhood Association, represented by
20 Billy Simpson over there, we filed the joint
21 petition just yesterday. It was a matter of
22 getting it done in a hurry, because of the fairly

1 close meeting date that was set for this hearing.

2 But there is a lengthy petition with
3 lots of backup information, general information
4 about the whole neighborhood, all of the
5 problems, appropriateness requirements are cited,
6 the numbers of establishments are shown. In
7 fact, I have a couple further documents.

8 Why don't I -- I think the petition,
9 you know, it's 20 pages, so I'm not -- obviously,
10 I can't quickly summarize the whole thing, but I
11 believe that the conditions on the ground --

12 CHAIRPERSON ANDERSON: If you want to
13 go -- read through it, because it was given, I
14 was told I have it in front of me.

15 MR. JAMES: Yes.

16 CHAIRPERSON ANDERSON: I have not had
17 a chance to read it. So if you want to -- if you
18 want to read it, I don't have a problem with
19 that.

20 MR. JAMES: That's okay. It would --
21 it's lengthy and probably tedious.

22 CHAIRPERSON ANDERSON: Well, this is--

1 MR. JAMES: But this --

2 CHAIRPERSON ANDERSON: -- what is --

3 MR. JAMES: -- is what it has to do --

4 CHAIRPERSON ANDERSON: This is a
5 Public Hearing and you can, if its lengthy --

6 MR. JAMES: Yes.

7 CHAIRPERSON ANDERSON: -- and tedious,
8 and to all seriousness is that I have not read
9 it, because it came in yesterday. And I don't
10 have a problem if you want to put it in the
11 record. If you want to read it to say this is
12 what it is and this is what you are asking for.

13 MEMBER ALBERTI: Maybe he could
14 summarize --

15 CHAIRPERSON ANDERSON: Or I think he
16 was saying it was too --

17 MEMBER ALBERTI: -- you know,
18 settlement points.

19 CHAIRPERSON ANDERSON: -- long or you
20 could summarize. But yes, we have it. It will
21 be in the record, but in order to -- I would like
22 to get a better idea, because I have bodies in

1 front of me telling me what they are asking and
2 why is it that this is important to them for me
3 to at least make a better decision.

4 So you tell me how you --

5 MEMBER SILVERSTEIN: Can you
6 summarize?

7 MR. JAMES: Yeah. I think maybe Mr.
8 Simpson is a very good summarizer.

9 CHAIRPERSON ANDERSON: All right.

10 MR. JAMES: He could be the one to do
11 that, because again, it's a joint petition --

12 CHAIRPERSON ANDERSON: All right.

13 MR. JAMES: -- from the three
14 organizers.

15 CHAIRPERSON ANDERSON: Before we go to
16 Mr. Simpson, is there anything independent that
17 you want to add?

18 MR. JAMES: Yes, I do. I have --

19 CHAIRPERSON ANDERSON: So why don't
20 you --

21 MR. JAMES: -- yes.

22 CHAIRPERSON ANDERSON: -- then say

1 what is it you want to say and then Mr. Simpson
2 will go.

3 MR. JAMES: I would like to hand in,
4 from the petitioners, two things. Well, three
5 items. Let me see, yeah. So we have a proposed
6 map of the moratorium circle and a street, place/
7 street description. So we have this, one for
8 each Member of the Board.

9 And we have a listing of all of the
10 licenses and their various attributes, their
11 license class and endorsements and whether they
12 are in the old Moratorium Zone or the proposed
13 new one.

14 And then, let's see, let me -- take
15 this. Can you take those of my hands, please?
16 So we -- then we have the map that is included in
17 the petition. It was kind of light and hard to
18 look at, so we made copies of that as well with a
19 street-by-street description, so that is
20 available for the Board to look at. Thank you
21 very much.

22 So I had my own testimony from -- my

1 personal testimony and I'm the President of
2 Kalorama Citizens Association and I didn't hand
3 that to your staff, but I need to offer -- do
4 that.

5 CHAIRPERSON ANDERSON: You sure have
6 a lot of paper today.

7 MR. JAMES: That's what this is all
8 about.

9 CHAIRPERSON ANDERSON: You know, I had
10 to clean my glasses, because you are giving me a
11 lot of reading.

12 MR. JAMES: So anyway, prior to the
13 first moratorium, Adams Morgan Moratorium, going
14 into effect in 2000, there were only three
15 taverns in Adams Morgan and no nightclubs. The
16 rest of the on-premise establishments were
17 restaurants, many of which acted like nightclubs.

18 Due to a flaw in the 2004 moratorium
19 renewal, restaurants were allowed to apply to
20 switch license class to tavern. 14 did so,
21 bringing the total of taverns in Adams Morgan to
22 17 with all but one located inside the Moratorium

1 Zone.

2 The community groups, ANC-1C, the
3 Kalorama Citizens Association and sometimes the
4 Reed-Cooke Neighborhood Association worked to
5 make these changes less impactful on the
6 community through new settlement agreements that
7 required measurable food service to continue at
8 these establishments.

9 Our joint petition for renewal and
10 extension of the moratorium makes clear the
11 problems of 70 on-premise establishments in a
12 relatively small area are a constant challenge.
13 Peace, order and quiet issues of noise from
14 licensed premises continue to plague the area
15 along with litter, public urination and vomiting
16 from too much consumption of alcohol.

17 Residential parking needs are as
18 stressed as ever from the many patrons and
19 employees of establishments who drive to our
20 neighborhood. They who arrive by taxi or the
21 relatively recent phenomenon of ride hailing
22 services mean that there are likely more

1 individual auto trips than ever to deliver
2 patrons to the ABC establishments of Adams
3 Morgan. This causes traffic jams at odd hours
4 with incessant honking from frustrated drivers.

5 The situation has gotten so bad that
6 residents on streets close to the busiest parts
7 of 18th Street have sought to change their streets
8 to one-way only to limit the traffic jams in the
9 middle of the night.

10 In 2014, the Board approved allowing
11 new restaurant licenses into the Moratorium Zone,
12 which has resulted in a number of new
13 establishments coming to Adams Morgan. We hope
14 that all new restaurants that come to the
15 neighborhood will be the kind of establishments
16 any community would welcome, but Adams Morgan has
17 been a nightlife center for so long that there
18 are still those who would seek to establish
19 nightclub-type operations there, whether those
20 were taverns or actual nightclub licenses, they
21 would lead to a reintroduction of all the
22 problems we already have that are listed in our

1 joint petition.

2 Please approve the joint petition of
3 ANC-1C, KCA and Reed-Cooke Neighborhood
4 Association so that Adams Morgan can continue to
5 grow in a positive direction. That's what I
6 have.

7 CHAIRPERSON ANDERSON: Thank you. And
8 you said you have your statement written, right?

9 MR. JAMES: Yes.

10 CHAIRPERSON ANDERSON: So you can
11 provide that, please.

12 MR. JAMES: I can provide it if you
13 would like it.

14 CHAIRPERSON ANDERSON: Okay. Thank
15 you.

16 MR. JAMES: I'm available whenever you
17 want to ask any questions, in particular, with
18 regard to the petition.

19 CHAIRPERSON ANDERSON: Yes?

20 MR. GUTHRIE: Yeah, I'm Ted Guthrie.
21 And I am ANC for Single Member District 1C03,
22 which is between 18th and 19th and Wyoming and

1 Biltmore, which is a big chunk of the
2 neighborhood that has alcohol licenses.

3 I have been on the ANC for six years
4 now. We have been working very hard to try and
5 make a liveable compromise between the commercial
6 establishments along particularly 18th and
7 Columbia and the residents who live in really
8 close proximity to a substantial number of
9 commercial establishments.

10 As a preliminary matter, I would like
11 to point out that we have some concerns about the
12 BID's resolution submitted as part of the record.
13 And whether or not that is appropriate for your
14 consideration. We view it under DC Code 2-
15 1215.19, "BIDs are prohibited from lobbying on
16 legislative or administrative actions with
17 respect to any property or area."

18 And we believe that it was
19 inappropriate for the BID, as a BID, to put in a
20 resolution into the record on this. They are
21 certainly entitled as individuals to come and
22 testify or to provide testimony to you, but it is

1 inappropriate for them to be acting as a BID.

2 And part of the reason it is
3 inappropriate, you will also see that there is a
4 letter, and I believe there were supporting
5 signatures, from Matt Wexler, who is a property
6 owner in the neighborhood and who is under the
7 BID jurisdiction as a property owner, and the
8 rest of the signators, my understanding, are also
9 landlords and they have substantial disagreement
10 with the BID's position.

11 I just think it's inappropriate for
12 the BID to be put in their resolution.

13 On a personal level, there has been a
14 substantial improvement. I live on Kalorama Road
15 just between 18th and Columbia. There has been a
16 substantial improvement in Adams Morgan over the
17 last six years, but that has been a result of the
18 truly relentless advocacy on behalf of the
19 neighborhood by the ANC, KCA and RCNA.

20 If the moratorium is removed and new
21 taverns or nightclubs are allowed in Adams
22 Morgan, life will become insufferable for those

1 of us who have to live there. I cannot conceive
2 of a way that having more taverns in an area that
3 has 70 licensees is something that would improve
4 the neighborhood.

5 We have managed to ameliorate a number
6 of the concerns and problems caused by this heavy
7 concentration of alcohol licenses in a
8 residential neighborhood, but we need to have
9 some tools to be able to do that.

10 We have been quite appreciative of
11 both ABRA and this Board in helping us to curtail
12 the most egregious behavior that has been
13 exhibited by some of the licensees. But the
14 moratorium keeps us from having to play whack-a-
15 mole on an even greater basis.

16 It really would be horrible for the
17 neighborhood if the moratorium did not continue.
18 And I believe that's why it had such broad
19 support in the ANC and within members of the
20 community.

21 The change to allow restaurant
22 licenses was one that I did not personally

1 support, because I was afraid that the
2 restaurants coming in would morph into the
3 nightclubs that we had seen with certain
4 restaurant licensees. We had managed through
5 diligent efforts to keep that from happening and
6 we certainly welcome the new restaurant licensees
7 that we have had, because they have provided a
8 positive benefit for the neighborhood.

9 But the reason they provided a
10 positive benefit is that they actually provide
11 food and tavern licenses do not do that.

12 So I would ask you on behalf of the
13 ANC and also personally, please, do the right
14 thing here. Continue the moratorium, expand it
15 so that it includes the portion of Columbia Road
16 that is, I call it, beyond Safeway, where the
17 current line is so that that portion of the
18 neighborhood is not impacted the way the
19 neighborhood along 18th is.

20 I think that's a very reasonable
21 compromise and solution to a continuing problem
22 and we look forward to working with the Board and

1 ABRA to continue to make it a vibrant and yet not
2 overwhelming situation in Adams Morgan. Thank
3 you.

4 CHAIRPERSON ANDERSON: All right.
5 Just a clarification. You are speaking on behalf
6 of whom again?

7 MR. GUTHRIE: The ANC.

8 CHAIRPERSON ANDERSON: The ANC.

9 MR. GUTHRIE: I'm on the ANC and I
10 live half a block from the prime strip.

11 CHAIRPERSON ANDERSON: Now, who is the
12 official representative of the ANC? You or Mr.--
13 I'm sorry, your name again?

14 MR. IRANI: Irani.

15 CHAIRPERSON ANDERSON: Mr. Irani?

16 MR. GUTHRIE: I believe we both are
17 and I believe our position is consistent.

18 CHAIRPERSON ANDERSON: I just want to
19 make sure, but I want to make sure who is
20 speaking on behalf of the ANC. Not --

21 MR. GUTHRIE: We both are.

22 CHAIRPERSON ANDERSON: -- meaning who

1 was -- I know the ANC -- we have a resolution
2 from the ANC and it -- we had listed either the
3 ANC or its designee. Just for the record, I want
4 to know who was the designee of the ANC who is
5 speaking on behalf of the ANC?

6 MR. GUTHRIE: Normally with ABRA
7 matters, we designate any commissioner to be able
8 to speak in front of ABRA, because there can be
9 problems with people's scheduling.

10 CHAIRPERSON ANDERSON: Right.

11 MR. GUTHRIE: Versus when you folks
12 schedule us.

13 CHAIRPERSON ANDERSON: But you know
14 what I'm saying? In order for us to give great
15 weight to the ANC, I need to know are you
16 speaking on behalf of your Single Member District
17 or are you saying that I am here -- the ANC -- I
18 know that there is a resolution, but there has to
19 be someone who says that I am here and I know
20 that the Chairman or his designee.

21 So just as far as the record is
22 concerned, I need someone to say, if that's not

1 the case, let me know, that yes, I'm either here
2 speaking in my personal capacity or I'm speaking
3 as ANC-1C or I'm here speaking on behalf of the
4 ANC. And that's all I was just saying.

5 And so you are not saying you --

6 MR. GUTHRIE: You can certainly
7 consult with legal staff, but I believe that as
8 sitting ANC Commissioners, we are both entitled
9 to speak on behalf of the ANC.

10 CHAIRPERSON ANDERSON: No, sir, no.
11 I am an ANC Commissioner also. And the reason
12 I'm saying that is I cannot go to a public
13 hearing and speak for the ANC, unless -- I can
14 speak to represent my Single Member District, but
15 I cannot speak to say I am here representing,
16 unless I am --

17 MR. GUTHRIE: If it would make you
18 feel more comfortable, Mr. Irani can be the full
19 ANC and I can be my Single Member District. I
20 don't care.

21 CHAIRPERSON ANDERSON: It's not for
22 me. It's just for the record, so I will know

1 that this is the person. You can --

2 MR. GUTHRIE: Of course, Mr. Irani is
3 the Chair of the Committee, so it would be
4 appropriate.

5 CHAIRPERSON ANDERSON: -- and so
6 then --

7 MEMBER ALBERTI: And Mr. Irani can
8 designate you. But as a co-representative.

9 CHAIRPERSON ANDERSON: Right.

10 MEMBER ALBERTI: Am I correct?

11 CHAIRPERSON ANDERSON: And that's all
12 I'm stating is just --

13 MEMBER ALBERTI: It's just an
14 administrative matter.

15 CHAIRPERSON ANDERSON: I don't have a
16 problem with who is going to speak. I just want
17 the record to reflect to say this person has been
18 designated to speak for the ANC. So there -- so
19 we have had concerns where someone says this
20 person speak, he is going to represent his Single
21 Member District. He is not speaking for the ANC.

22 I know that you -- that the positions

1 might be similar, but as far as the public record
2 is concerned, there has to be someone to say I'm
3 here speaking on behalf of ANC-1C. And that's
4 all, I was just asking for clarification, not to
5 dispute whether or not you can, but you have to
6 publicly identify yourself to say this is who,
7 I'm here. I'm holding this hat representing ANC-
8 1C or I'm here representing my Single Member
9 District and I'm also -- although I'm
10 representing my Single Member District and I'm
11 ANC, I'm still a public citizen and I'm here.
12 This is my personal view that I'm also giving
13 too.

14 Okay? So that's where -- so I am an
15 ANC Commissioner and so I think I know how this
16 works. Where -- when I go and publicly represent
17 myself, I have to be clear, and I'm also a
18 lawyer, what hat am I wearing when I'm making a
19 public statement. Okay?

20 All right. So all right. And I think
21 you had made, and I'm not trying to -- at least
22 the petition that I have that -- it states it's a

1 joint petition from the Advisory Neighborhood
2 Commission 1C, the Kalorama Citizens Association
3 and the Reed-Cooke Neighborhood Association, I
4 don't have anything from the BID.

5 So if the BID --

6 MR. GUTHRIE: Mr. Chairman, that is
7 part of the record.

8 CHAIRPERSON ANDERSON: Well, I don't
9 have it in front -- I don't have anything. I
10 don't have a resolution in front of me to say it
11 was signed from the BID. If it's there, I have
12 not seen it yet. So I just want to say that I
13 have not seen that where I have a resolution that
14 was provided to us as -- and the BID was a part
15 of it.

16 MR. GUTHRIE: So that would be
17 consistent with what I believe the appropriate
18 legal interpretation would be. In that, it
19 doesn't seem to be that the BID's resolution
20 should be considered by the Board.

21 CHAIRPERSON ANDERSON: Who is the BID,
22 can you -- for clarification for the record? Who

1 is the BID?

2 MR. GUTHRIE: Adams Morgan Business
3 Improvement District.

4 CHAIRPERSON ANDERSON: I'm sorry, I
5 don't -- I'm must saying the petition that I have
6 in front of me, it stated it's a joint petition
7 on behalf of Advisory Neighborhood Commission 1C,
8 the Kalorama Citizens Association and the Reed-
9 Cooke Neighborhood Association. Those are the
10 parties that I have in front of me, so I don't --
11 maybe --

12 MR. GUTHRIE: You also referenced in
13 your opening statement that there had been a
14 resolution that had been supplied by the BID.

15 CHAIRPERSON ANDERSON: Yeah, I stand
16 corrected, because I knew that there was a
17 resolution and that's one of the problems when I
18 -- I had a -- and that was my error. I have a
19 public statement that I'm supposed to get and
20 then I'm trying to be adlib in the sense that
21 believing -- talking about something that I have
22 not seen. And I stated I had not seen the

1 resolution.

2 So that was my error to say that I got
3 a joint petition from the BID. So I do apologize
4 for the record. But at least I have not seen
5 that.

6 MR. SIMPSON: One additional
7 clarification would be that --

8 CHAIRPERSON ANDERSON: Introduce
9 yourself for the record, sir.

10 MR. SIMPSON: Oh, apologies.

11 CHAIRPERSON ANDERSON: Yes.

12 MR. SIMPSON: My name is Billy
13 Simpson.

14 CHAIRPERSON ANDERSON: Yes, sir.

15 MR. SIMPSON: And I am the President
16 of the Reed-Cooke Neighborhood Association.

17 CHAIRPERSON ANDERSON: Yes, sir.

18 MR. SIMPSON: One additional
19 clarification that may help is that the Business
20 Improvement District has not purported to join
21 the petition that is put forth by the resident
22 groups. To the contrary, they have called for a

1 different approach to the moratorium that is not
2 supported by the resident groups.

3 But you should have -- there should be
4 in the record, and I assume that legal staff
5 could confirm, that something has been submitted
6 to the record by the Business Improvement
7 District. And we view that as not consistent
8 with the DC Statutes.

9 CHAIRPERSON ANDERSON: Currently, I
10 don't have that in front of me.

11 MR. SIMPSON: That's fine.

12 CHAIRPERSON ANDERSON: And so I'm not
13 saying it's not in the record, so all right. So
14 I think that -- so let me get some clarification.

15 Mr. Simpson or Sampson?

16 MR. SIMPSON: Simpson.

17 CHAIRPERSON ANDERSON: Simpson. When
18 you speak, who are you representing?

19 MR. SIMPSON: So I'm representing the
20 Reed-Cooke Neighborhood Association. I'm the
21 President of the Reed-Cooke Neighborhood
22 Association.

1 CHAIRPERSON ANDERSON: Right. And so
2 you will talk about the -- so you are going to
3 summarize the joint petition that was provided by
4 the Advisory Neighborhood Commission 1C, Kalorama
5 Citizens Association and the Reed-Cooke
6 Neighborhood Association? You will be speaking
7 on behalf of this petition. Is that correct?

8 MR. SIMPSON: I'll be happy to do
9 that. And so by way of background, it's actually
10 a very, as Mr. James pointed out, lengthy
11 petition, but the substance is pretty
12 straightforward.

13 The resident groups, namely the ANC,
14 the Kalorama Citizens Association and the Reed-
15 Cooke Neighborhood Association are substantively
16 calling for a continuation of the same
17 permissions and restrictions that currently
18 exist.

19 So a continued prohibition on
20 nightclub licenses in Adams Morgan, a continued
21 limitation on tavern and multi-purpose licenses,
22 such as new licenses, that those classes could

1 only be issued if the current number drops below
2 10. But then in contrast, the continued
3 allowance of new restaurant licenses, which was a
4 new tack that the ANC took at the time of the
5 last moratorium considerations.

6 There are two distinctions in the
7 current petition from the situation that exists
8 at the moment, which is that the resident groups
9 have asked that the Moratorium Zone be extended
10 slightly from what is currently a 1400 foot
11 radius to an 1800 foot radius, which is an actual
12 portion designation under the ABC Law.

13 And the principal purpose of doing
14 that and shifting the center a little bit is to
15 ensure coverage of the Moratorium Zone up
16 Columbia Road where it currently does not apply.
17 I'll speak to that in a little more detail in a
18 moment. There is a commercial strip that
19 continues all along Columbia Road between 16th
20 Street and 18th Street and that is set to expand.

21 And then the other distinction is that
22 the current moratorium that is in effect right

1 now was granted for three years; whereas, all of
2 the residential groups are asking that it be
3 approved for continuation for five further years.

4 Are there any questions about those
5 substantive elements?

6 CHAIRPERSON ANDERSON: I'm going to
7 ask you to tell me -- are you done? Because I
8 was going to ask you to tell me why are you
9 asking for these --

10 MR. SIMPSON: Let me do that.

11 CHAIRPERSON ANDERSON: -- specific
12 changes.

13 MR. SIMPSON: Let me do that and then,
14 please, feel free to ask any questions.

15 CHAIRPERSON ANDERSON: Right.

16 MR. SIMPSON: So I was -- as I said,
17 I am the President of the Reed-Cooke Neighborhood
18 Association, one of the 501(c)(3) citizens groups
19 in Adams Morgan.

20 CHAIRPERSON ANDERSON: Just give me --
21 who -- tell me just for the record, what is the
22 Reed -- I'm sorry.

1 MR. SIMPSON: The Reed-Cooke
2 Neighborhood Association?

3 CHAIRPERSON ANDERSON: The Reed-Cooke
4 Neighborhood Association.

5 MR. SIMPSON: It's a neighborhood
6 association that has existed and served the
7 eastern third of Adams Morgan for a couple of
8 decades, probably three decades or so now and it
9 actually came into existence at a previously
10 existing citizens group even before that.

11 And it has as its mission just to
12 promote the well-being of the Reed-Cooke
13 Neighborhood, which again is sort of the third of
14 Adams Morgan that sits between Marie Reed
15 Elementary School and H.D. Cooke Elementary
16 School, therefore, Reed-Cooke.

17 CHAIRPERSON ANDERSON: Okay. All
18 right. Now, okay, that --

19 MR. SIMPSON: Hence --

20 CHAIRPERSON ANDERSON: -- I know where
21 those two landmarks are so, okay.

22 MR. SIMPSON: Yeah. It's roughly

1 between 18th Street and 16th Street, U Street and
2 Columbia Road.

3 CHAIRPERSON ANDERSON: Okay.

4 MR. SIMPSON: So I was actually the
5 chair of ANC-1C in 2013 when the Commission and
6 the community embarked on a bold new approach to
7 moratorium. For the first time in many years, we
8 asked this ABC Board to begin allowing new
9 restaurant licenses in Adams Morgan and that was
10 a critical balancing act.

11 We agreed to embrace the possibility
12 of quality new alcohol-serving restaurants in
13 Adams Morgan, but as long as we could preserve
14 protections against establishments that too often
15 behaved as nightclubs, whether they were actually
16 licensed as nightclubs or licensed as taverns or
17 sometimes even restaurants.

18 Not everyone in the community agreed
19 with the approach at the time, but ANC-1C worked
20 extremely hard to ensure robust public engagement
21 and to generate a near unanimous position from
22 its commissioners with the exception of

1 Commissioner Guthrie at the time.

2 Several years later, I am very pleased
3 to be able to say that this approach to the
4 moratorium that we launched several years ago has
5 very much worked as hoped. We have had a number
6 of new quality businesses come to Adams Morgan
7 and thrive here.

8 And at the same time, we have been
9 able to hold the line against rowdier nightclub-
10 like businesses that just don't belong in a
11 community like Adams Morgan. But as Commissioner
12 Guthrie pointed out, that has taken a lot of
13 work.

14 The current ANC pursued an equally
15 robust public engagement process this year and
16 they arrived at the same conclusion. The
17 balanced approach to the moratorium is the right
18 one for Adams Morgan. And it has been gratifying
19 to see that even those in the residential
20 community who had concerns about the ANC's
21 approach last time around have come around and
22 agreed to support it this time around.

1 And many significant members of the
2 business community have also voiced their support
3 for this approach. It's a rare and wonderful
4 thing to experience this much consensus in Adams
5 Morgan.

6 We are aware that some in the business
7 community would prefer to remove the moratorium
8 on tavern licenses and we are sympathetic to the
9 fact that running a small business is not an easy
10 task. But unfortunately the risk for Adams
11 Morgan remain too great.

12 We know from past experience that
13 opening the door to new tavern licenses would
14 result in many applications to transfer
15 businesses from restaurant status to tavern
16 status. We also know from very recent experience
17 that many business interests are still keen to
18 operate nightclub-like establishments in Adams
19 Morgan, if they can get away with it. They would
20 be thrilled for the opportunity to obtain a
21 tavern license, tack on entertainment
22 endorsements and return Adams Morgan to the bad

1 old days.

2 Finally, I would like to speak
3 strongly in support of ANC-1C's request to extend
4 the Moratorium Zone to the sizeable portion so
5 that going forward it would include the
6 commercial areas of Columbia Road.

7 When I was on the ANC, my Single
8 Member District included much of this stretch of
9 Columbia Road. My constituents suffered
10 disruptions for years to peace, order and quiet
11 while a well-known rowdy nightclub that was
12 licensed as a tavern operated adjacent to their
13 homes.

14 When that establishment finally closed
15 a few years ago, they were so hopeful that a new
16 era was dawning for them and then suddenly,
17 infusion came along earlier this year with plans
18 for a 600-person capacity nightclub right in the
19 same space. It took a tremendous amount of work
20 by residents, by the ANC and by citizens groups
21 to revise that plan.

22 These residents of Adams Morgan along

1 Columbia Road don't deserve to have to remain
2 constantly at-risk of having a de facto nightclub
3 on their block or just down the street. They
4 have already been forced to do far too much work
5 over the years trying to bring existing
6 establishments into better behavior.

7 Residents along this stretch of
8 Columbia Road strongly support this extension of
9 the Moratorium Zone as evidenced by letters that
10 have been submitted to the record by residents of
11 Beverly Court Co-op, Ontario 17 Condos and the
12 well-respected nonprofit providers of housing in
13 the community, Jubilee Housing, Sarah's Circle
14 and Christ House that are all located along that
15 stretch.

16 These residents have all indicated
17 that they would welcome new restaurants on
18 Columbia Road and extending the Moratorium Zone
19 would help prompt the commercial landlords to
20 finally start seeking tenants that are
21 appropriate for the community.

22 CHAIRPERSON ANDERSON: I guess just

1 there is no moratorium on this section and you
2 have stated that based on the citizens of the
3 area, you are able to maintain the quality of
4 life that you want on this area. I think that's
5 what you said that you were actively -- someone
6 tried to come in, you -- for a 600-seat nightclub
7 and the citizens were very active. I mean, they
8 were able to manage that matter.

9 So why then if you have mechanisms in
10 place to manage this area, why do you want to
11 them extend the moratorium to an area that is
12 already being managed?

13 MR. SIMPSON: I appreciate the
14 question and I would specifically disagree with
15 your restatements.

16 CHAIRPERSON ANDERSON: I'm listening
17 to you. I don't know the area.

18 MR. SIMPSON: So --

19 CHAIRPERSON ANDERSON: Yes.

20 MR. SIMPSON: -- the citizens have, in
21 fact, on that stretch of Columbia Road suffered
22 tremendously over the years. As an ANC

1 Commissioner, the most comments that I received
2 from residents related to ABC establishments was
3 specifically related to that stretch of Columbia
4 Road.

5 With respect to the specific case of
6 infusion, we, again through a tremendous amount
7 of work, the residents were able to get the
8 business backers behind that venture to agree to
9 certain changes in their application, but that is
10 far from a guarantee that the residents are not
11 about to face everything that they were facing
12 for the past couple of decades, if that
13 establishment actually comes into existence.

14 You know, they have changed their
15 license application, but so many features of what
16 they still say they are trying to do raise every
17 concern that they are going to be another one of
18 these establishments that masquerades as a
19 restaurant, masquerades as a tavern, but acts in
20 a far different way.

21 We have seen that repeatedly.
22 Fortunately for the residents, the business has

1 not yet come into operation. Everyone remains
2 fearful that notwithstanding their hard work,
3 they are up for a long slog ahead.

4 And the bigger point is that it's just
5 not fundamentally fair that dozens of residents
6 should be essentially compelled into giving away
7 so many hours of their time every time some joker
8 comes along with a new great idea to open a
9 nightclub in that stretch of Adams Morgan.

10 It is just not fundamentally fair.
11 They deserve the protection of the moratorium, so
12 that they don't even have to go down that road.
13 They can start from the presumption that anyone
14 who is coming for an alcohol license in that area
15 is going to be a bona fide restaurant with a real
16 business plan that is food-oriented and
17 appropriate for the denseness of the residential
18 community right there.

19 CHAIRPERSON ANDERSON: And so you are
20 asking that the zone be extended and it be
21 extended for -- be extended to that area and that
22 we extend the moratorium for what another five

1 years?

2 MR. SIMPSON: For five years.

3 CHAIRPERSON ANDERSON: So why? The
4 current -- the moratorium was in place for three
5 years. So why do you want to extend from three
6 to five years?

7 MR. SIMPSON: Even with the prior
8 iteration of the moratorium, we had requested a
9 five year extension. The Board, for reasons that
10 weren't clear to us, agreed only to apply it for
11 three years. I would like to think that the
12 Board perhaps chose three years because the Board
13 itself was concerned about the risk of opening
14 the door to new restaurant licenses and didn't
15 want to let that get too far out of control for
16 too long.

17 I hope it was conservatism on behalf
18 of the Board. I can't say for sure. In any
19 event, the Board decided for three years. Three
20 years have gone by and I think, as you see by the
21 position of all of the residential groups,
22 everyone thinks it has been a success or at least

1 manageable to open the door to new restaurants.

2 So we are willing to continue with
3 that. We are willing to continue with that for
4 five years. We do believe that that is something
5 that residents in the community can manage,
6 especially since we do feel the ABC Board has
7 been supportive in weeding out some of the weaker
8 applications that have been --

9 CHAIRPERSON ANDERSON: No, but I'm
10 just saying why --

11 MR. SIMPSON: -- applied for during
12 that time.

13 CHAIRPERSON ANDERSON: -- five years?
14 Why not three years? Why not four years? Why?
15 I'm just asking why is it that --

16 MR. GUTHRIE: Can I speak to that?

17 CHAIRPERSON ANDERSON: No. I'll --
18 you can answer later on, but since --

19 MR. SIMPSON: My understanding is that
20 the ABC Law specifically provides either for a
21 three year option or for a five year option with
22 moratoria. The community has always preferred

1 the longer amount of time, because it provides a
2 more stable set of expectations for all of the
3 actors in the community.

4 They -- people who want to come in and
5 open a business can know that they have got this
6 window where they can get their ducks together,
7 find a decent location, negotiate a lease, get
8 their license and they will be able to get into
9 operation and succeed in operation without having
10 to worry that the door will slam on them before
11 they get all of their ducks in a row.

12 CHAIRPERSON ANDERSON: I'm asking
13 because I don't live in the area. And so yes, I
14 need to make a decision or the Board needs to
15 make a decision. And so I want to know, so
16 that's why I'm asking these questions so I don't
17 make an -- when -- and I'm only one vote. I
18 don't make the decision to say -- and I don't
19 live there.

20 I'm familiar with Adams Morgan. I
21 have lived in DC for, I think, 32 years now. And
22 when I was a little bit younger and in college,

1 then I -- and in law school, yes, as I used to go
2 to Georgetown and Georgetown came to us recently
3 and asked us to remove the moratorium, because
4 they -- some aspects of it, because it was
5 detrimental to what was going on in the
6 neighborhood and when I first moved to DC in '86,
7 that was the place that we need to go. Go to
8 Georgetown because that was the center of
9 activity, but DC has changed and everyone knows.

10 So there is not one specific
11 neighborhood that is the center of entertainment
12 any more. So all right.

13 MR. GUTHRIE: One other aspect.

14 CHAIRPERSON ANDERSON: Yes, sir.

15 MR. GUTHRIE: Is that it's my
16 understanding under the Moratorium Law that even
17 though you would ratify your period, at the end
18 of half of that period, it would be possible if
19 the community felt it was appropriate to come in
20 and request that it be modified or lifted
21 entirely.

22 So it's not that we are not going to

1 be able to address it for five years, if you
2 grant a five year moratorium, it's that, you
3 know, it would, for one thing, take a substantial
4 amount of time to have the public hearings, both
5 in the community and before the Board. It is a
6 substantial amount of time that was volunteer
7 time on behalf of all of the people who
8 participated in the process.

9 And if it's working, let's keep it
10 working and let's give it a clear period before
11 we come back and reconsider it. We are able to,
12 if it becomes necessary, but we don't have to
13 unless it does become necessary.

14 CHAIRPERSON ANDERSON: All right.

15 MR. GUTHRIE: And that would be the
16 other reason to extend it to five years.

17 CHAIRPERSON ANDERSON: So I want to
18 find more information about the -- just the three
19 to five years and I also want to find
20 information, at least just for my own benefit,
21 why this extra area. I mean, why is it that we
22 should extend the moratorium to this Columbia

1 Road area? I mean, I need more information to
2 help me make a decision.

3 MR. SIMPSON: And --

4 MR. GUTHRIE: Sure. Part of the
5 problem is that given sort of the limited
6 commercial space within the Adams Morgan, if the
7 moratorium exists under the original boundaries,
8 which were a very strange number, because it
9 wasn't even one of the numbers that was allowed.
10 There are three different areas that you are
11 supposed to have for moratorium and ours was, for
12 some reason, 1400 instead of the full portion.

13 It will put a greater likelihood of
14 questionable establishments going into the
15 portion that is not within the zone and by
16 expanding the zone, we are putting, basically,
17 all of commercial Adams Morgan under the same
18 rules and providing sort of uniform protection
19 for the neighborhood as opposed to just a part of
20 the neighborhood.

21 There are currently, I believe, at
22 least four licenses in the two block strip that

1 we are talking about including, so it's not that
2 there aren't any licenses now. It's just that
3 there is a fair amount of commercial property
4 there that certainly could have licenses if it is
5 not included in the Moratorium Zone.

6 CHAIRPERSON ANDERSON: I think you had
7 -- Mr. James, I think you wanted to --

8 MR. JAMES: Yes. So coming off of
9 what Mr. Guthrie just said, you know, the same
10 conditions applying I think is very important for
11 business purposes as well as for the residents.
12 So a neighbor outside the Moratorium Zone doesn't
13 have the protection that his neighbor just a
14 block or two away might have. Knowing that if he
15 wants to go buy a house that is just a block off
16 the Commercial District, that a nightclub isn't
17 going to come in, you know.

18 So within the existing circle, there
19 won't be a nightclub. But just outside, there
20 was an attempt just recently to have one. In
21 fact, I need to thank the Board and the staff. I
22 believe actually ABRA had a lot to do with

1 convincing that applicant to not seek a formal CN
2 and it came out a CT application.

3 This is the infusion that Mr. Simpson
4 referenced. Then in the negotiation process for
5 the protest, we were able to convince them to
6 change it to a restaurant license.

7 So they were -- that was -- I think it
8 was just kind of a one of a kind moment where
9 everything worked together, but it's not
10 something that I think you can duplicate every
11 time that somebody tries to do something that we
12 would think was not appropriate.

13 So I just think if we treat all the
14 residents the same, you know, within the same
15 neighborhood, you all have this protection
16 anywhere close to the commercial strips.

17 And the other thing too, you know,
18 change is gradual. For the five year idea as
19 opposed to three years, many different businesses
20 have different lease terms, you know, and
21 landlords plan things in their own ways, so they
22 just want to wait out the three years if you just

1 put in a short term.

2 Like if somebody has got an idea
3 going, you know, often these things take a lot of
4 time to come to fruition. You're like figuring
5 out who you want to have in your space and
6 improving the space and applying for a license
7 and so forth. It can be quite timely and time-
8 consuming.

9 So, you know, three years is not
10 necessarily a very long time to say well, maybe
11 it will end in three years, but five years is
12 more of a statement that, you know, this is what
13 we need here in this area to offer the
14 protections and, you know, to not have this
15 disturbance of the peace, order and quiet and the
16 parking and traffic and safety problems that we
17 have or to at least not let them get worse.

18 I don't think a moratorium makes
19 something get better, it just prevents it from
20 getting worse. Really, that's all we are asking.

21 CHAIRPERSON ANDERSON: Just another
22 concern, because Mr. Simpson, you stated that you

1 were the Chair of the ANC at the time the last in
2 2013. So why wasn't Columbia Road proposed to be
3 a part of this previously? Why now?

4 MR. SIMPSON: There is a couple of
5 things that have happened along Columbia Road and
6 in the neighborhood generally. At the time we
7 were considering the previous moratorium, that
8 commercial space wasn't open. It was actually
9 still occupied by, I'll just go ahead and name
10 it, Chief Ike's Mambo Room.

11 And it was only subsequent to that
12 that the space opened up and I can't -- the
13 business closed down and the space went vacant
14 and I can't tell you how relieved the residents
15 who lived at Beverly Court and Ontario 17 and
16 Christ House were that that business stopped
17 operating.

18 And they hoped and sort of naively
19 assumed that maybe things were going to get
20 better because of the general trajectory of the
21 neighborhood where we have had nice restaurants
22 come in and very community-friendly businesses

1 came in.

2 I think the thing that just shocked
3 everybody and really made everyone realize how
4 much is at stake on that stretch were the events
5 of this year where the infusion came and tried to
6 build a 600 --

7 MEMBER SILVERSTEIN: Excuse me. With
8 the events of this year? Would you speak a
9 little louder?

10 MR. SIMPSON: Oh, sorry. The events
11 of this year where this establishment infusion
12 came and applied for the 600-person capacity
13 nightclub license right across from their homes
14 and right beside their homes at Christ House.

15 That brought home in a way that hadn't
16 before that we -- those residents on that stretch
17 of Columbia Road remain at-risk in a way that
18 they just hadn't even anticipated.

19 Immediately, there is a second
20 commercial space immediately adjacent to infusion
21 that could also be turned into a nightclub. And
22 then there is another strip of spaces and as

1 Adams Morgan's population has gone up, the
2 pressure to develop those old commercial spaces
3 has increased as well, that's on the next block
4 of Columbia Road between 16th and 17th.

5 So I think infusion was the thing that
6 galvanized people's views and really highlighted
7 their ongoing risk and said this is definitely
8 the appropriate time to seek this extension.

9 And if you have -- you know, as you --
10 obviously, you have to make up your own mind
11 about this and it wouldn't hurt to go look at the
12 physical geography, if you've got the time.

13 But if you really want to get a sense
14 of where people are coming from, look at the
15 letters that you have received from the Beverly
16 Court Co-op who have been primarily affected by
17 this kind of behavior in the past. Look at
18 letters you are getting from new condo owners in
19 Ontario 17. Look at the letters of support that
20 Jubilee Housing has issued.

21 They literally have 300 residents
22 within a one block radius of this stretch of

1 Columbia Road and they are providing housing for
2 low-income residents in the neighborhood. They
3 run a wonderful operation. The residents are
4 fantastic. But a lot of these folks already
5 have, you know, challenges they are dealing with.

6 In the case of Christ House that is
7 also providing low-income housing, they are
8 literally right on this strip and providing
9 housing to people who have spent a lifetime with
10 drug and alcohol addiction. And they are right
11 in the middle that. They want a nice respectable
12 environment. They don't want nightclubs and
13 taverns operating as nightclubs there.

14 They welcome restaurants. You know,
15 this was the grand bargain we were trying to
16 achieve. We saw the ways that an overly-tight
17 moratorium was hurting the Business District
18 three years ago, four years ago. We took the
19 bold step of saying yes, let's get rid of that
20 with respect to restaurants. We want the
21 infusion of new good -- infusion nightclubs. We
22 want the presence of new good business operators

1 that will elevate the level of business activity
2 in the community, bring that to us and it worked.

3 And all of these residents have
4 expressed their support for that as well. They
5 are not trying to block that along Columbia Road.
6 They welcome restaurants and alcohol-serving
7 restaurants along Columbia Road, if they are
8 good, legitimate businesses.

9 We just need protection from these
10 nightclubs and taverns that operate as
11 nightclubs.

12 CHAIRPERSON ANDERSON: I want to open
13 it to other Board Members, but at the same time,
14 is there anyone else here in the audience who
15 wants to speak? Just you, ma'am?

16 MS. AUBRUN: Yes, I'm Benedicte.

17 CHAIRPERSON ANDERSON: Yes, I know.
18 I just want to know just you are the only one?
19 Why don't you -- what I'll do is -- I said is
20 there -- if there is anyone else in the audience
21 who wants to speak on this matter, why don't you
22 come forward and identify yourself?

1 And you guys can also stay here,
2 because I think we can have a large -- I just
3 want to hear some other voices and so we can ask
4 questions. So why don't you come forward and
5 identify yourself for the record. If there is
6 anyone else in the audience who wants to speak on
7 the Adams Morgan Moratorium, please, come forward
8 and identify yourself for the record. And then
9 we will have you speak and then we will have a
10 broader conversation.

11 I know this hearing was scheduled to
12 last an hour. I'm not going to say it's 12:00,
13 so we've got to go, but at least we have a
14 hearing at 1:30 and we are going to take lunch,
15 so I just want to have an idea whether or not we
16 need to move our 1:30 hearing. So that's why,
17 but I will give you as much time as you need to
18 express your views.

19 Go ahead, ma'am. Can you, please,
20 introduce yourself for the record?

21 MS. AUBRUN: My name is Benedicte
22 Aubrun and I'm a resident of Adams Morgan, Ward

1 1.

2 Good afternoon, Chairman Anderson and
3 Members of the Board. Thank you for your time
4 regarding this important topic. My name is
5 Benedicte Aubrun and I'm here to testify as a
6 resident of Adams Morgan for 22 years.

7 Over the last 10 years, I have
8 witnessed the deterioration of my neighborhood.
9 I don't recall back then encountering the level
10 of violence we are experiencing, gunshots, people
11 coming out of establishments and fighting or
12 looking for a fight, beating each other up for no
13 specific reason.

14 Prior to the arrival in Adams Morgan,
15 many party goers are already under the influence
16 of alcohol or intoxicated with whatever substance
17 they have access to, that's when the problems
18 start, caused usually by patrons from outside of
19 Adams Morgan who come out to our ABC
20 establishments.

21 Litter has become a constant and
22 recurring issue. Trashing of pizza boxes, cans

1 and glass bottles, public vomiting and urination.
2 Many visitors take away needed and valuable
3 parking spaces from the residents. Patrons and
4 non-patrons hanging out on the street cause
5 noise, loitering, criminal activity, issues with
6 pedestrian safety.

7 Violence is also a recurring problem.
8 At our monthly PSA meetings with MPD, it is not
9 uncommon to have the police report that there
10 were gunshots fired or guns or knives found on
11 suspects and physical assaults, usually on 18th
12 Street.

13 Too frequently, bar fights spill out
14 onto the street endangering others nearby. Noise
15 coming from multiple establishments keeps the
16 neighbors up until late hours of the night or
17 early morning almost every weekend. It is
18 disrespectful for the neighbors who have
19 complained for years about the noise issues.

20 It feels like these establishments are
21 acting with total disrespect to DC Noise Laws.
22 Eight years ago to deal with issues around ABC

1 establishment and late night activity, the
2 community, including ANCs, neighborhood
3 associations, the BID, residents, MPD, ABRA and
4 DDOT got together and created Operation Adams
5 Morgan. A program that brought heightened
6 awareness and response from the Government to
7 Adams Morgan's -- many of these issues.

8 This year the community will continue
9 to partner with more local authorities, such as
10 the Department of Health, DCRA and the Fire
11 Marshals.

12 Four years ago in 2014, ANC-1C voted
13 to allow new restaurants to enter the Moratorium
14 Zone and the Board approved that. The results
15 have been helpful, but mixed with some good
16 places entering the zone, some not so good and
17 some in between.

18 The Board took positive action finding
19 two applications to be deficient. Even though
20 the moratorium can only prevent the existing
21 problems from becoming worse, that is essential
22 for residents and their quality of life.

1 Due to the significant over-
2 concentration of on-premise establishment in the
3 Adams Morgan Moratorium Zone and the attendant
4 problem describing this later, as to -- on this
5 report, the joint petition of ANC-1C, KCA and
6 RCNA urged the Board to grant the renewal as
7 requested.

8 The conditions sought are listed
9 below:

10 To increase the side of Moratorium
11 Zone from 1400 feet radius circle to an 1800 feet
12 radius circle covering upper Columbia Road
13 between the Safeway and 16th Street.

14 To support the renewal and extension
15 of the moratorium in Adams Morgan for five years.

16 To offer protection of our neighbors
17 and respect the peace, order and quiet.

18 To support a cap of zero on the number
19 of nightclub licenses permitted in the Adams
20 Morgan Moratorium Zone.

21 To support the current cap preventing
22 the issuance of any new retailer's licenses, CT,

1 CX, DT and DX until the number is less than 10.

2 There are currently 16 such licenses,
3 all taverns.

4 Thank you so much.

5 CHAIRPERSON ANDERSON: Thank you, Ms.
6 Aubrun, for your testimony.

7 Do we have any questions by any Board
8 Members to any member on the panel?

9 MEMBER SHORT: I have one.

10 CHAIRPERSON ANDERSON: Go ahead, Mr.
11 Short.

12 MEMBER SHORT: Mr. Billy Simpson, how
13 are you today?

14 MR. SIMPSON: Good. Thank you.

15 MEMBER SHORT: Great. You mentioned
16 the number 10 and I have heard some other
17 witnesses mention the number 10 when -- in your
18 testimony. Can you elaborate a little better?

19 MR. SIMPSON: Yeah. Some time back
20 and Mr. James might know the details better than
21 I do, but in addressing the question of tavern
22 licenses, it was acknowledged that a number of

1 taverns were already in operation in the
2 community and decided that the compromise
3 position would be to allow some and that's where
4 the number 10 got decided, but not to allow new
5 taverns until the number dropped below 10.

6 And my understanding is that at the
7 time and ever since there have, in fact, been
8 more than 10 taverns in operation in the
9 Moratorium Zone, more close to the number 15, I
10 believe.

11 MEMBER SHORT: Not to cut you off, but
12 so --

13 MR. SIMPSON: Sure.

14 MEMBER SHORT: -- if the moratorium
15 were to -- if this Board were to grant the
16 moratorium that you are requesting, so you say
17 you have 15 now. So you are saying you would ask
18 the Board not to give any more tavern licenses
19 out for five years in that area?

20 MR. SIMPSON: Unless the existing
21 number were to drop below the --

22 MEMBER SHORT: So if it dropped below

1 10, then. Okay. Continue.

2 MR. SIMPSON: I think I guess the only
3 final point I would make is that there are many
4 in the residential community who feel that 10 is
5 plenty of tavern licenses in the relatively small
6 geography that we have. So the fact that 15 are
7 actually operating is already sort of pushing the
8 limits.

9 We certainly wouldn't want to see new
10 tavern licenses being granted and new taverns
11 coming into existence, especially where we just
12 know from the history that business interests
13 want to use tavern licenses as their sort of way
14 to get in the door and operate like nightclub
15 establishments, that's what we have seen for the
16 history of Adams Morgan for ever and ever.

17 And you know, a restaurant license
18 operator can go wrong. They can start operating
19 in a bad way, but at least there we have a
20 concrete specific complaint we can bring back to
21 the Board and say they have a food requirement.
22 They need to be holding themselves out to the

1 community legally as a restaurant and not as
2 something else.

3 We don't have that objective criteria
4 with a tavern. A tavern licensee can go get an
5 entertainment endorsement and for all substantive
6 purposes under the law, they can be operating a
7 nightclub and there is nothing anybody can say
8 about it.

9 MEMBER SHORT: Okay. Well, thank you.
10 Thank you, Mr. Chair.

11 CHAIRPERSON ANDERSON: I guess just
12 the question then, just another question, if we
13 were to expand the zone, how would that work
14 then? Because you are saying, I think, just we
15 shouldn't add any until less than 10. And I
16 guess you are saying there are 16, 15 or 16 in
17 the current moratorium.

18 So how many then on the Columbia Road?
19 This extra zone and how would that -- yeah, how
20 many, you know, are in this area?

21 MR. SIMPSON: Correct me if I'm wrong,
22 but I don't believe there are any tavern licenses

1 currently on that stretch.

2 MR. GUTHRIE: So Mr. Simpson
3 previously referenced this Chief Ike's Mambo
4 Room, which went out of business, and has been
5 split up into two different potential
6 establishments. They both have gotten new
7 restaurant licenses, but that old tavern license
8 is still out there. It's in safekeeping and
9 could come out. And it would -- you would be
10 putting that license under the moratorium, that's
11 the only change administratively, I think.

12 And it would be saying -- actually,
13 what it actually does though is it's sort of
14 protecting the whole, but making it, you know, a
15 license in Adams Morgan inside the Moratorium
16 Zone could be transferred to a different
17 location, so it's potentially possible that some
18 of the taverns that are say on 18th Street might
19 say oh, look, there is a nice new building, I
20 would like to move up there up on upper Columbia
21 Road. And that might very well happen.

22 But we think that, you know, the

1 overall picture is more protective of the
2 residents, because most of the taverns -- really
3 there is -- they want to be on 18th Street,
4 because that's where the most action is.

5 The one thing I just wanted to mention
6 and a lot of the comments Mr. Simpson about that
7 area, a few years ago this Ontario 17 condominium
8 building was built and it has some commercial on
9 its first floor and there is the Italian Embassy
10 and a very large condominium building just --
11 it's not on Columbia, but it's just about a block
12 and a half away, many, many new residents there.

13 And there is another property --

14 MR. SIMPSON: Scottish Rite Temple.

15 MR. GUTHRIE: -- the Scottish Rite
16 Temple project that is going to provide a whole
17 new -- you know, I think it's over 100 units on
18 that strip.

19 So that's more residents that this
20 protection would help in the future along with --
21 it's already very densely populated. The north
22 side of Columbia Road there has numerous large

1 apartment buildings.

2 CHAIRPERSON ANDERSON: I'm going to
3 state on the record what my personal bias is and
4 I'll just say this on the record, so you know
5 where I stand.

6 If I move into a Nightclub District,
7 I shouldn't be complaining about the noise in the
8 Nightclub District.

9 If I live in a district that wasn't a
10 Nightclub District, then -- and a nightclub moves
11 in, then, yes, I have. But if I move -- I'm just
12 saying -- I'm not saying how I'm going to -- I'm
13 just letting you know what my personal bias is
14 that we make choices where we want to live. And
15 if you move into an area that has a vibrant
16 nightlife before you move in the area, you
17 shouldn't come to complain about noise in the
18 area, within reason, if you made a choice to move
19 in that area. I just want to let you know my
20 point.

21 MR. GUTHRIE: Can I --

22 CHAIRPERSON ANDERSON: My personal

1 bias.

2 MR. GUTHRIE: Well, there are no
3 nightclub licenses in the pool of Adams Morgan.

4 CHAIRPERSON ANDERSON: Right. And but
5 you know what I'm saying.

6 MR. GUTHRIE: I understand that.

7 CHAIRPERSON ANDERSON: I know I hear
8 about all these new residents moving in the area
9 and --

10 MR. GUTHRIE: Yeah.

11 CHAIRPERSON ANDERSON: -- you have
12 choices when you move into the area. But for the
13 residents who live there and this nightclub comes
14 in, yes, I am sympathetic to residents who have
15 lived there and then my neighborhood has morphed
16 into something that I didn't anticipate.

17 But if you make -- as I said before,
18 when I first moved to DC, I heard about Adams
19 Morgan, so, yes, I live in a bedroom community,
20 I'll say that and that was a choice I made. I'll
21 just let you know that. Yes, sir, go ahead.

22 MR. SIMPSON: Just two quick comments

1 in response, because I appreciate that and we
2 hear that within the community, too. And I would
3 say that anyone who would choose to live on 18th
4 Street must be out of their minds, but I said
5 anyone who would choose to live on 18th Street
6 must be out of their minds.

7 But actually that point, the point you
8 make strongly supports the Columbia Road
9 question, because if you came to look for housing
10 on that stretch of Columbia Road during the
11 daytime, you would have no idea what was about to
12 hit you when you went to bed at night on your
13 first time going to sleep.

14 It doesn't look like 18th Street.
15 There is a Safeway. There is a CVS. There is
16 lots of large apartment buildings all around.
17 There is the charitable Christ House right next
18 door. And there is a few, you know, bona fide
19 retailers, a little jewelry repair store, a
20 photoshop right there.

21 You wouldn't even -- you might not
22 even notice those storefronts that are there and

1 it's only at night that they turned into very
2 loud and fairly obnoxious clubs.

3 And, you know, we have people who
4 bought into the Ontario 17 new condominiums just
5 in the past couple years, who wanted to be in
6 Adams Morgan because it's a vibrant community
7 because they can get over onto 18th Street and
8 have a great dinner and get -- you know, have an
9 enjoyable night out, but had no idea that that
10 was going to be right across the street from
11 them, it didn't look like it.

12 And that's exactly the reason these
13 folks deserve protection along Columbia Road.

14 CHAIRPERSON ANDERSON: All right.
15 Thank you. So I put my cards on the table. I'm
16 -- as I said before, as Chair, I am open-minded.
17 I'm very open-minded. I will always -- yes, Mr.
18 Silverstein? Just a minute. I'm always open-
19 minded and I will always -- but I was just
20 letting you know what my personal biases are so
21 when someone comes to me and says, you know, I
22 moved into Adams Morgan and everyone knows that

1 Adams Morgan is a vibrant -- has a vibrant
2 nightlife and they start complaining about the
3 noise, and I'm like well, didn't you know that
4 this is what goes on in Adams Morgan?

5 I'm very sympathetic to folks who have
6 lived there all this time and certain things that
7 happen and that I'm -- for me, I'm -- you tell me
8 that I have lived here for 20 years and I'm going
9 to listen to you, but if you tell me that you
10 just moved in there two days ago and you are
11 complaining about the noise and I'm going like
12 you should have figured out what was at this
13 neighborhood -- what was this neighborhood about.

14 MR. GUTHRIE: So I bought a house on
15 Kalorama Road just half a block from Columbia. I
16 mean, 18th and Columbia for that matter, but the
17 commercial part of 18th where it's very, very busy
18 in 1971. And I think in the whole of Adams
19 Morgan, there were like three different licenses,
20 at that time, so, you know, I have witnessed much
21 of the change and when it got to be unbearable, I
22 became active in my community association and we

1 have worked cooperatively with the ANC and Reed-
2 Cooke Neighborhood Association to do settlement
3 agreements to try to manage what goes on, to try
4 to be reasonable in the middle of all of this
5 activity, a lot of which, you know, was allowed
6 to get out of hand in the '90s and stayed out of
7 hand.

8 Slowly, slowly, slowly it has become
9 more civilized and controlled.

10 CHAIRPERSON ANDERSON: And I
11 appreciate that. I appreciate that you have been
12 here on several establishments and I appreciate
13 all the parties when they -- at least when they
14 come here, I have folks present that we are
15 trying to manage. We are not. And I have never
16 taken it that at least any of the organizations
17 that have come in front of me are like no, I
18 don't want this in my neighborhood.

19 It's, yes, I understand the
20 neighborhood. And we are trying to manage what
21 happens and I do appreciate that. And I do hear
22 that loud and clear.

1 MR. GUTHRIE: Okay.

2 CHAIRPERSON ANDERSON: Hold on a
3 minute. Mr. Silverstein wants to ask a question.
4 Go ahead.

5 MEMBER SILVERSTEIN: This is to
6 whoever can answer it. You have requested --
7 there is a request here that the radius of the
8 moratorium area be widened from 1400 to 1800 and
9 the argument was that there is a portion of
10 Columbia Road precisely that needs additional
11 protection. But this is a circle.

12 What about the other areas within
13 that? In my deliberations, is there anything in
14 those other areas that has a sense of urgency
15 that you feel on Columbia Road? Talk about those
16 other areas. Help me through that.

17 MR. SIMPSON: Actually, we -- in the
18 proposal we carefully adjusted the center point
19 of the radius, specifically so that it wouldn't
20 inadvertently sweep in other, you know, spaces
21 beyond Adams Morgan.

22 If you compare the current circle and

1 the proposed circle with the revised center
2 point, it, to my knowledge, really only takes in
3 the extra commercial strip along Columbia Road.
4 It may cause it to stretch a little bit further
5 out Calvert Street, but I think with the
6 exception of Mama Ayesha's out there, there are--
7 there is no commercial activity that is impacted.

8 MR. GUTHRIE: I think that's correct.
9 I mean, the -- just the lay of the land is that
10 commercial areas are largely surrounded by
11 Residential Zone areas. So we don't go so far
12 over with the new circle that it catches the
13 Washington Hilton or businesses on Florida Avenue
14 as you approach Connecticut, which is the far
15 southwest corner of Adams Morgan.

16 You know, there is a Martin's Liquor
17 there. There is the Washington Hilton. There
18 could be other -- there is Buca di Beppo, that's
19 not in, that's a restaurant on Columbia Road. I
20 mean on Connecticut Avenue.

21 CHAIRPERSON ANDERSON: Connecticut
22 Avenue.

1 MR. GUTHRIE: Technically in Adams
2 Morgan, you know, they have to come to the ANC
3 for any licensing applications and that sort of
4 thing, but very far removed from the activity
5 that we are familiar with and we are here talking
6 about today.

7 So really all that it's -- the
8 commercial areas that it is grabbing is that
9 upper part of Columbia between Ontario Road and
10 16th Street. And it does go over and, just
11 because of the size of it, catch Mama Ayesha's,
12 which is on Calvert Street just before you get to
13 the Ellington Bridge. And I think it's an
14 anomaly there. I think it is grandfathered, a
15 little bit of zoning that was there before, the
16 zones were set up the way they are now, because
17 it's right next to -- it's in a totally
18 residential area, otherwise.

19 MEMBER SILVERSTEIN: So your testimony
20 is the only real concern for the expansion or the
21 moving force behind it is the additional
22 protection only along Columbia Road?

1 MR. SIMPSON: That's exactly right,
2 yeah. And we were very careful not to
3 inadvertently sweep in other areas that just
4 aren't our business to try to move in on.

5 MR. GUTHRIE: And we are, you know,
6 just working within the framework that is laid
7 out by the code of a circle with a street-by-
8 street description and, you know, section/
9 portion, that --

10 MEMBER SILVERSTEIN: Thank you.

11 MR. GUTHRIE: -- sort of thing. Thank
12 you.

13 CHAIRPERSON ANDERSON: All right. And
14 before bringing this, I'm going to give you guys
15 a final -- any -- before bringing this to close,
16 any comment other -- additional comments by any
17 Board Members? Yeah, I'm going to have you guys.
18 I'm just going to make sure -- when I said you
19 guys, you guys and ladies, okay, I just wanted to
20 make sure that I am correct.

21 I just want to make sure that there
22 are no questions by any Board Members. All

1 right. Go ahead, Ms. Aubrun. And then once you
2 have spoken, then anyone can do a wrap-up.

3 MS. AUBRUN: Thank you, Mr. Chair. I
4 just wanted to add as well that we want -- noise
5 troubles and as this Board is aware, there has
6 been quite a bit of hearings about the Club Zone
7 on 18th Street and Connecticut with some of the
8 neighborhood associations and ANC and we want to
9 avoid that this situation will come to Adams
10 Morgan.

11 So it's a very dense neighborhood, a
12 residential neighborhood. And it's not just
13 people living on top of this establishment that
14 could have turned into a 600 places in a
15 nightclub, but it's also the noise troubles. And
16 we don't want to come as often as, you know, 18th
17 Street and Connecticut residents came in front of
18 you to make a stop to this chaos, because the
19 lack of quality of life of the residents were
20 affected and it's still affected.

21 So we are just humbly asking the Board
22 to give us the opportunity to protect our

1 neighborhood from more noise and littering and
2 violence by allowing 1800 foot coverage and also
3 to make sure that our quality of life is
4 protected.

5 This is a very highly dense
6 neighborhood. And it's just not going to be that
7 stretch of housing that would be affected. It
8 will be a major radius that will be affected by
9 the noise. Thank you.

10 CHAIRPERSON ANDERSON: Thank you,
11 ma'am. Anyone who wants to wrap-up? Yes, sir,
12 go ahead.

13 MR. SIMPSON: Just final wrap-up
14 comments. First, thank you for listening to us
15 and for your thoughtful questions and for being
16 candid with some of our own perspectives.

17 It -- the question of moratoria is
18 tricky because people sometimes think of it as
19 sort of a very black and white issue and you are
20 either in favor of the free market or you are
21 against it or in those sorts of terms.

22 I hope it is clear or I hope it will

1 especially become clear as you read through our
2 petition that we have very intentionally avoided
3 approaching this from any sort of a knee-jerk
4 perspective. Oh, we are experiencing issues and
5 so we just want to shut down business activity.

6 To the contrary, the moratorium
7 position that the residential groups have taken
8 is very nuanced, very carefully thought out,
9 tries to approach the different elements of the
10 Adams Morgan business environment in different
11 ways.

12 And I'll be the first to say I love
13 living in Adams Morgan. I moved there 14 years
14 ago. It is wonderful to be able to on any given
15 night when you are too tired at the end of the
16 work day, walk over to 18th Street and have a
17 lovely dinner, sitting outside on a patio and
18 then come home and just have that had been a
19 great experience.

20 So we want to promote that business
21 environment. We want the Commercial Corridor to
22 be successful within Adams Morgan.

1 I hope that the three substantive
2 elements allowing restaurants, continuing to
3 prohibit nightclubs and continuing to limit
4 taverns will be an easy vote for the Board, since
5 that is what currently exists and since that has
6 -- seems to be showing promise of success for the
7 community. I hope that -- those components are
8 easy for you.

9 I recognize that the Columbia Road
10 extension and the question of the number of years
11 may be -- may require some additional thought,
12 but again, I hope that you will look at the
13 Columbia Road extension not in the light of
14 trying to in a knee-jerk way stop business
15 activity there, but rather to guide business
16 activity in a direction that is favorable for the
17 many residents who live there.

18 And the same with the time frame, it's
19 consistent with the law, with what is required in
20 the law and hope it will allow for some enduring
21 -- durable expectations for business people and
22 for residents for a five year period at which

1 point, whoever is on the ANC and whoever is
2 leading the neighborhood associations can think
3 about it again.

4 But again, thank you for your time and
5 your thoughtfulness.

6 CHAIRPERSON ANDERSON: Thank you, Mr.
7 Simpson. Anyone else? All right.

8 Well, I want to thank each and
9 everyone for the testimony that you gave today.
10 I am going to read everything that was submitted.
11 And I'll also rely on the wise counsel of the
12 Agency Director and also our legal staff who
13 advise us.

14 And the record will remain open until
15 October 12, 2018, so you can let your
16 constituents know that public comments will be
17 accepted through that date. And we will make a
18 decision before the expiration of the emergency
19 legislation.

20 So thank you all for being here today.
21 And thank you for taking your time. I know you
22 could have been many places, but thank you for

1 taking your time to be here today to testify on a
2 matter that is of immense importance to you and
3 to your community. So thank you.

4 MR. SIMPSON: Thank you very much.

5 MR. GUTHRIE: Thank you.

6 MS. AUBRUN: Thank you.

7 CHAIRPERSON ANDERSON: All right. So
8 we are in recess until 1:30.

9 (Whereupon, the Public Hearing was
10 concluded at 12:26 p.m.)

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In the matter of: Adams Morgan Moratorium

Before: DCABRA

Date: 10-03-18

Place: Washington, DC

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