

August report to constituents

Here is news of the August Advisory Neighborhood Commission meeting, and the preliminary agenda for the September meeting.

ANC 1D03 NEWSLETTER

Jack McKay, August 28, 2003

Highlights of the August ANC meeting

The principal topic of the August ANC meeting was the "voluntary agreements" that are attached to liquor licenses in the District of Columbia, and which ban "live music" in Mount Pleasant Street restaurants. This is a very controversial neighborhood issue, so I'm going devote this entire newsletter to it.

The "voluntary agreement" system is intended to give residents some control over businesses selling or serving alcoholic beverages in their neighborhoods. In order to get its liquor license, a business must come to some such agreement with any and every neighborhood group that files a protest against the application. That agreement, attached to the license, is legally binding.

The voluntary agreements in Mount Pleasant include a flat prohibition against "live music". This is the main point in the dispute. The live-music ban is not, in my opinion, about liquor, nor is it about loud music, because recorded music can be every bit as loud as live. As I perceive it, it is about our restaurants becoming *de facto* night clubs, drawing noisy crowds to Mount Pleasant Street into the small hours of the morning, disturbing the nearby residents, and taking up precious parking spots on residential streets.

The restaurant owners want live music for much the same reason that the Mount Pleasant Neighborhood Alliance (MPNA) opposes it: live music will draw more customers to their establishments. A significant number of Mount Pleasant residents also want live music, judging by the e-mails I've received, for its entertainment, artistic, and musician employment value.

The agreements including this "live music" prohibition are imposed by the MPNA. The ANC could also protest a license application and come to a voluntary agreement permitting live music, but that would accomplish nothing, because the ANC agreement would not take precedence over the MPNA agreement.

Clearly the MPNA members have legitimate concerns. Nobody, I think, wants to see Mount Pleasant Street become like Columbia Road at night, crowded with noisy people patronizing the night clubs. But what I've observed on Mount Pleasant Street at night is quite the opposite: the Street is almost deserted after dark.

It seems to me that there is ample room for a compromise, one which would limit the late-night crowds, yet permit live music, perhaps for limited hours -- only until midnight, say. We want more people patronizing Mount Pleasant establishments into the night, so the Street isn't deserted, and so our local restaurants can succeed; but we don't want the Street to be jammed with people until the early morning hours, either. Surely we can find a balance between these two extremes.

Jack McKay
3200 19th St NW, DC 20010
462-8692
jack.mckay@verizon.net

Live music prohibition

Haydee's, Corado's, the Raven, Bella Roma, and the Marx Café all have "voluntary agreements" with the MPNA that specify "*no live music, dancing, cover charges or charges for admission to the establishment*", or essentially identical language. The purpose is evidently to prevent our restaurants from becoming *de facto* night clubs. I think most of us agree with the purpose, but the live-music prohibition is an excessive and unnecessary means of achieving that end.

Preliminary agenda for the Sept. 8 ANC meeting

7:30 Call to order
7:45 Community forum
8:00 Guest presentations:
 Gang Intervention Partnership
 - John De Taeye, Weed and Seed
 - TBD, Metropolitan Police Department
 Voting Rights for All - Mario Cristal
 Sol y Soul, El Barrio Theater Production
8:45 Community forum (continued)
9:00 Committee reports, including
 FY04 Grants Budget
 Bancroft/US Botanical Garden project grant
 Bancroft PlayStart project grant
 Voting Rights for All
 GAP Daycare Application
9:30 Unfinished business:
 Lamont and 17th St. stop sign
 ANC Comm. appt to MP Main Street Bd
9:40 New business
 Contract for Web Developer
 Translator Contracts
10:00 Adjourn

We're not alone with this complaint about the voluntary agreement system, and some changes may someday come to pass. These will, however, be a long time coming, and who knows what those changes may be. *As I see it, the only way to achieve any relaxation of the live music bans is to persuade the MPNA to compromise.* I think our MPNA neighbors are reasonable, and would be receptive to some changes, given a continuation of the dancing prohibitions, and assurance that any problems that come up as a consequence of allowing live music will be taken seriously and dealt with.

In this respect, the ANC badly mishandled relations with the MPNA. *The MPNA leadership should have been invited to present their case at the August meeting, on the agenda, on an equal basis with Mr Rick Massumi, who presented the case against the voluntary agreements.* Three of us commissioners did in fact request that the MPNA be invited. However, *no such invitation was offered.*

Judging by the e-mails from MPNA members since the meeting, they are now very unhappy, and believe that the ANC treated them and their concerns unfairly, by (1) failing to give them equal time at the August meeting, (2) failing to advise them well ahead of time of the August meeting topic, and (3) passing a resolution at the August meeting, instead of waiting until the September meeting to give the MPNA time to prepare a reply. *These complaints are valid.*

It will now be very difficult to negotiate a live-music compromise with the MPNA, because the ANC *failed to establish the relationship of mutual trust and respect that is necessary for successful negotiation.*

I asked that the MPNA leadership be invited to present their side of the story at the September 8 ANC meeting, in order to give them the hearing that they deserve, and perhaps repair some of the damage done at the August meeting. The ANC decided, however, to offer no invitation.

The only feasible means of obtaining relief from the live music bans in the near future is, in my opinion, by persuading the MPNA to compromise. Our thoughtless treatment of the MPNA will, however, make it very difficult even to initiate negotiations.

The current situation leaves me very unhappy and dismayed. Our ANC could have, and should have, done better.

Opinions expressed here are those of Dr. McKay alone, speaking for himself, not for the Mount Pleasant ANC.

Fair hearings for the MPNA. As I noted in last month's newsletter, "any changes to these agreements must come *only after full and fair hearings of all parties*, including the restaurants, the nearby neighbors, and the MPNA." The ANC has a duty to hear all parties in any issue, but it failed to do so here. This failure dooms, I think, any chance of relaxing the bans on live music at Mount Pleasant restaurants in the foreseeable future.

The "voluntary agreements" resolution. The ANC passed a resolution that is a bit extreme, calling for complete removal of the live music prohibitions, and other onerous provisions of the "voluntary agreements". As I noted during the meeting, this resolution is purely symbolic. The ABRA Board is not going to do anything with our resolution, because they don't answer to the Mount Pleasant ANC. Our resolution is essentially a loud complaint that the voluntary agreement system is faulty, and leads to unreasonable conditions imposed on neighborhood restaurants. I voted in favor of this resolution, not because I would want to see a complete removal of these restrictions on Mount Pleasant restaurants, but because I agree that the voluntary agreement system itself is seriously flawed, and should be revised.

Whereas Mt. Pleasant Street is the center of commercial and cultural activity in Washington DC's Mount Pleasant neighborhood; and

Whereas there are eight businesses on Mt. Pleasant Street with Class C and D alcohol licenses that are, to varying degrees, prohibited from hosting live music and entertainment, restricted in selling their businesses, and limited in their right to advertise; and

Whereas the limitations placed on restaurants and taverns in Mt. Pleasant are a direct result of voluntary agreements signed by the license holders and a single neighborhood association; and

Whereas many residents in Mount Pleasant and many business owners affected by the restrictions have expressed opposition to the prohibitions found in the voluntary agreements; and

Whereas the District of Columbia Alcoholic Beverage Control Board has the authority to review and edit voluntary agreements and the restrictions placed therein;

therefore, let it be **Resolved** that ANC-1D calls on the Alcoholic Beverage Control Board to hold hearings to review all voluntary agreements in place on the Class C and D alcohol licenses in Mount Pleasant, and to remove the restrictions limiting the rights of business owners to host live music and live entertainment, to sell their businesses at a fair market value, and to advertise their businesses as they so choose.

Passed 6-0 by the Mount Pleasant ANC, August 4, 2003.