

GLOVER PARK MORATORIUM ZONE

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

- - - - -X

IN THE MATTER OF: :

Glover Park Moratorium Zone

PUBLIC ANNOUNCEMENT

- - - - -X

Wednesday, April 20, 2016

Whereupon, the above referenced matter came on for hearing at the Alcoholic Beverage Control Board, Reeves Center, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.

1

2 CHAIRPERSON:

3 DONOVAN W. ANDERSON, Presiding

4

5 OTHER PERSONS PRESENT:

6

7 NICK ALBERTI, BOARD MEMBER

8 RUTHANNE MILLER, BOARD MEMBER

9 JAMES SHORT, BOARD MEMBER

10

11

12

13

14

15

16

17

18

19

20

21

22

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

2 CHAIRPERSON ANDERSON: Then we'll now move  
3 our afternoon agenda -- what was on our afternoon agenda  
4 is that we're -- The Board has issued -- is issuing a  
5 decision on the Glover Park Moratorium. So I -- I will  
6 be issuing the decision on the Glover Park Moratorium  
7 decision of April 20th, 2016.

8 Good afternoon, everybody. The next item of  
9 business is announcement of The Board's decision  
10 regarding the renewal of the Glover Park Moratorium  
11 Zone. As many of you know, The Board held a hearing on  
12 June -- I'm sorry -- on March 30th, 2016 pursuant to  
13 D.C. Official Code Section 25354. At that hearing we  
14 received a written request from the Advisory  
15 Neighborhood Commission 3B to extend and amend the  
16 existing Glover Park Moratorium zone which is set to  
17 expire May 3rd, 2016. Specifically ANC's position seeks  
18 two changes to the existing moratorium; one, that The  
19 Board extend the moratorium for another five years; and  
20 two, that the cap on the number of retailer Class CR  
21 licenses be removed. At the hearing the ANC also  
22 requested that The Board maintain the restrictions on

1 retailer Class A licenses. The Glover Park Citizens'  
2 Association and the residents of Massachusetts Avenue  
3 Heights Neighborhood, MAHN supported the ANC's  
4 recommendations. The Board received testimony from  
5 Stephen O'Brien who stated that he generally supports  
6 the renewal of the moratorium with the exception of the  
7 prohibition on new retailer Class A license. The D.C.  
8 Nightlife Hospitality Association supports terminating  
9 the moratorium altogether. The Board appreciates all of  
10 the written and verbal testimony provided on this  
11 rulemaking. After due consideration The Board has  
12 determined that the moratorium should -- should be  
13 renewed for five years. The Board also supports the  
14 ANC's request to renew the moratorium for Class CT, DT,  
15 CN, DN, CX, and DX licenses and to remove the moratorium  
16 on CR. The Board however is not persuaded to retain the  
17 moratorium on Class A liquor retail license. The Board  
18 finds that there is no justifiable reason to prohibit  
19 Class A licenses within the Glover Park neighborhood if  
20 they are compliant with the District's laws and  
21 regulation. The Board has numerous enforcement tools to  
22 ensure compliance and will take steps to restrict

1 privileges such as hours of sales if necessary.

2 Additionally many of the concerns raised by the

3 proponents of the moratorium such as excessive noise are

4 attributable to on-premises establishments such as

5 taverns and nightclubs. Patrons of off-duty premises

6 establishments such as Class A retailer would not

7 necessarily be loud or disruptive to the neighborhood.

8 Lastly, The Board notes that it retains control to

9 determine on a case by case basis whether a Class A

10 license is appropriate for the neighborhood. For these

11 reasons The Board has decided to eliminate the

12 restriction on Class A license. In reaching its

13 decision The Board gave great weight to the written

14 recommendations of ANC 3B. The Board finds that a

15 modified version of the ANC's proposed constitutes a

16 reasonable, measured, and appropriate solution for the

17 Glover Park neighborhood. While it is sympathetic to

18 the community's concerns and the lifting of the ban on

19 Class A licenses, The Board would encourage the

20 neighborhood to participate fully in the protest process

21 when applicants -- applications for Class A licenses are

22 filed. In sum, The Board concluded that maintain ing a

1 modified moratorium is in the public's interest as  
2 determined by the appropriateness standards set forth in  
3 D.C. Official Code Section 25313B2 and B2. The Board  
4 also finds that emergency rulemaking action is warranted  
5 due to the impending expiration of the current rules on  
6 May 3rd, 2016. With this emergency action The Board  
7 adopted today became effective today. The rules will  
8 remain in effect for 120 days expiring on August 18th,  
9 2016 unless earlier superceded by an emergency  
10 rulemaking or final rulemaking. Additionally these  
11 emergency and proposed rules will be published in the  
12 D.C. Register for a 30-day comment period. Interested  
13 parties may file comments during the period. Copies of  
14 The Board's decision and -- and second emergency and  
15 proposed rules are available in the back of the hearing  
16 room. Thank you for coming today.

17 (Whereupon the above-entitled matter was  
18 concluded.)

19

20

21

22