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

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IN THE MATTER OF: :
Georgetown Moratorium Zone :
Expiration :
ANC 2 E :
Monday, March 30, 2016 :

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Monday, March 30, 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 CHAIRPERSON:

2 DONOVAN ANDERSON, Presiding

3

4 MEMBERS OF THE BOARD:

5 NICK ALBERTI

6 JAMES SHORT

7 MIKE SILVERSTEIN

8 RUTHANNE MILLER

9

10 OTHER PERSONS PRESENT

11 BILL STARRELS, ANC 2E

12

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

2 CHAIRPERSON ANDERSON: The next matter on
3 our agenda is the announcement on the Georgetown
4 Moratorium Zone. Can you identify yourself for
5 the record, please, sir?

6 MR. STARRELS: Sure, Bill Starrels, ANC
7 2E.

8 CHAIRPERSON ANDERSON: Thank you, Mr.
9 Starrels. Today, we are announcing the Alcoholic
10 Beverage Control Board's intent to allow the
11 existent Georgetown Moratorium Zone to expire on
12 April 9, 2016. This action will represent the
13 first time that a liquor license moratorium in
14 the District of Columbia has ever been
15 eliminated. What this means from a practical
16 standpoint is that the board can once again issue
17 restaurant licenses, multipurpose licenses and
18 private club licenses in Georgetown.

19 The cap on nightclub and tavern licenses,
20 however, will remain in effect due to a statute
21 passed by the Council of the District of
22 Columbia. The board cannot amend or rescind the

1 statute. Only the city council can do so. By
2 way of a brief background, the current Georgetown
3 Moratorium came about in 1988 when the council
4 passed legislation allowing interested parties to
5 request a moratorium. In the wake of this
6 legislation, Georgetown residents and businesses
7 requested a moratorium for their community.

8 Subsequently, in 1989, the board approved
9 their request. The moratorium has been in
10 existence ever since in one form or the other --
11 or another. The board revisited the Georgetown
12 Moratorium Zone as recently as 2011 and it was
13 set to expire on February 3, 2016. In order to
14 allow for community input on the current
15 moratorium the board granted a 120-day extension
16 by enacting emergency rules on December 9, 2015,
17 which moved the expiration date to April 9, 2016.
18 The board then held a public hearing on February
19 24, 2016. The board reached this decision
20 regarding the expiration based on the public
21 comments elicited at the hearing on the future of
22 the Georgetown Moratorium Zone.

1 During the hearing, the board heard
2 testimony from a number of groups active in
3 Georgetown, including the ABRA Commission 2E, the
4 Citizens' Association of Georgetown, the
5 Georgetown Business Improvement District and the
6 Georgetown Business Association. Testimony was
7 also provided by the Restaurant Association of
8 Metropolitan Washington and the D.C. Night Life
9 Hospitality Association. The board commends and
10 thanks both groups for working together
11 constructively to discuss and consider the issues
12 raised by the moratorium regulations.

13 On a final note, it was suggested that
14 the board consider a template settlement
15 agreement provided by Advisory Neighborhood
16 Commission 2E and the Citizens' Association of
17 Georgetown. The board refrained from commenting
18 on the proposed settlement agreement because it
19 is not relevant to the board's consideration of
20 the moratorium regulation.

21 The board notes that upon submission
22 during a contested case by the Commission and a

1 contested license the board will review the
2 agreement for legal compliance and provide
3 guidance on any provisions that require revision.
4 As a result, the board is convinced that it
5 should abstain from expounding on the proposed
6 settlement agreement until presented as part of a
7 contested case.

8 Again, on behalf of the entire board, I
9 want to thank the stakeholders for their
10 thoughtful and considered work on this milestone.
11 Know that this farsighted achievement may serve
12 as a model to other neighborhoods in the District
13 as they contemplate the future of their own
14 moratorium. Thank you.

15 The board will basically issue a
16 decision, and I guess I can read -- that was just
17 my statement, I can read the decision that the
18 board will issue today.

19 The Alcoholic Beverage Control Board
20 finds that the Georgetown Moratorium Zone has
21 outlived its useful purposes. Based on these
22 findings the board announced its intent to allow

1 the Georgetown Moratorium Zone to expire on April
2 9, 2016. This will present the first time that a
3 liquor license moratorium in the District of
4 Columbia has ever been eliminated. As a
5 practical matter, the board decision will result
6 in the end of caps on restaurant licenses in
7 Georgetown and allow the board to once again
8 issue multipurpose facility and private licenses
9 in the neighborhood. The cap on nightclub and
10 tavern licenses will remain in effect due to a
11 statute passed by the Council of the District of
12 Columbia which the board cannot amend or rescind.

13 The board reached this decision based on
14 the comments solicited at the public hearing and
15 ongoing [inaudible 41:44) but this is the
16 decision that the board will sign off on today
17 which occurred on February 24th during the
18 hearing the board heard testimony from a number
19 of groups active in the Georgetown including the
20 Advisory Neighborhood Commission 2E the Citizens'
21 Association of Georgetown, the Georgetown
22 Business Improvement District and the Georgetown

1 Business Association. Testimony was also
2 provided by the Restaurant Association of
3 Metropolitan Washington and the D.C. Night Life
4 Hospitality Association.

5 The board commends and thanks these
6 groups for working together constructively before
7 the hearing to discuss it and consider the issues
8 raised by the moratorium regulations. The seed
9 for the Georgetown Moratorium Zone was planted in
10 1988 when the Council for the District of
11 Columbia passed legislation, which allowed
12 interested parties to request a moratorium. In
13 the wake of this decision, Georgetown residences
14 and businesses requested a moratorium for their
15 community. Subsequently, 1989, the board
16 approved their request. The moratorium has been
17 in existence ever since. The board recently
18 reapproved the Georgetown Moratorium regulation
19 and the 2011 version of the Georgetown Moratorium
20 Zone will be found in Section of 305 of Title 23
21 of the District of Columbia D.C. Municipal
22 Regulations, DCMR.

1 The Georgetown Moratorium Zone was
2 originally set to expire on February 3, 2016, 23
3 DCMR Section 305.1, 305.9 with supplement 2016.
4 Nevertheless, in order to allow the community
5 input in the moratorium the board granted a 120
6 day extension by enacting emergency rules on
7 December 9, 2015, which moved the expiration date
8 to April 9, 2016. Alcoholic Beverage Control
9 legal agenda to December 9, 2015. See number 11.
10 Under the terms of the current Georgetown
11 Moratorium Zone the zone extends 1800 square feet
12 in all directions from the intersection of
13 Wisconsin Avenue Northwest and N Street
14 Northwest. D.C. Official Code Section 25-352 D3,
15 23 DCMR Section 305.2, with supplement 2016. As
16 part of the Moratorium the board may not issue a
17 retail license class C Beer, Wine and Spirits or
18 D Beer and Wine licenses with tavern nightclub
19 multipurpose facility or private club
20 destinations, section 305.1. The Moratorium
21 prohibits the board from issuing more than 68
22 class C or D restaurant licenses in the zone and

1 more than 1 class D multipurpose facility or
2 private club license. The board was further
3 prohibited from approving the transfer of
4 licenses located outside of the zone into the
5 zone, 23 DCMR section 305.25 with supplement
6 2016. It should be noted that the Georgetown
7 Moratorium Zone does not apply to hotels as well
8 as applications for licensure as Georgetown Park,
9 Georgetown Park II, Prospect Park Mall,
10 Georgetown Court and Washington Harbor, 23 DCMR
11 section 305.3 with supplement 2016. While the
12 moratorium zone is set to expire automatically,
13 section 25239 of the D.C. Official Code governs
14 the issuance of liquor license in the Georgetown
15 Historic District. In general, the law limits
16 the number of nightclub and tavern licenses to
17 six in the Georgetown Historic District, D.C.
18 Official Code Section 25-339-A.

19 Because the board has no power to amend
20 Title 25 of the D.C. Official Code, this law will
21 remain in effect. On a final note, it was
22 suggested that the board consider a template

1 settlement agreement provided by Advisory
2 Neighborhood Commission 2E and the Citizen's
3 Association of Georgetown upon the submission of
4 an agreement due to a contested hearing by any
5 potential protest and license. The board will
6 review the agreement for legal compliance and
7 provide guidance on any provisions that require
8 revision. In light of this process, the board
9 finds no need to engage in a formal or informal
10 review of the proposed agreement. This decision
11 will be issued today and all board members will
12 sign off on it.

13 Again, I would like to thank the citizens
14 for the active participation in helping the board
15 make this decision. Again, thank you for your
16 participation. Do we have any comments by any
17 board members? Yes, Mr. Silverstein?

18 MR. SILVERSTEIN: Thank you, Mr. Chair.
19 For decades, we've been saying that moratoriums
20 are not permanent, sometimes they just seem that
21 way. This moratorium has done its job, it's
22 outlived its usefulness, the consensus was clear,

1 the business community believed the time had
2 come, the ANC believed the time had come, the
3 Citizens' Association believed the time had come
4 and we're persuaded and, therefore, the time has
5 come after 27 years to lift this moratorium.

6 We found a widespread agreement that
7 limiting the number of available restaurant
8 licenses has created more problems than it has
9 alleviated, that there is no public good in
10 having created a secondary market for CR
11 licenses. The existing limit on the number of
12 nightclub and tavern licenses in Georgetown is
13 statutory, passed by D.C. Council and that will
14 not be affected by what we announce here today.

15 On a personal note, I want to thank
16 everyone who took part in this process. Your
17 views were expressed clearly and thoughtfully and
18 this was extremely helpful to me and, I'm sure,
19 to my colleagues. The spirit of participation
20 and good will in the community was heartening.
21 It showed above all how much you care about
22 Georgetown. It may have special status by act of

1 Congress, but it's also clear how much the
2 welfare and the future of your community means to
3 those of you who live and work in Georgetown.
4 Congress cannot legislate love or caring; those
5 emotions must come from your heart. I want to
6 thank you all for your help in this process and
7 wish you all good luck.

8 CHAIRPERSON ANDERSON: Thank you, Mr.
9 Silverstein. Any other board members? Yes, Ms.
10 Miller.

11 MS. MILLER: It's hard to follow Mr.
12 Silverstein's eloquence but I do want to note
13 that I think it's fairly monumental that this is
14 the first liquor license moratorium in the
15 district to expire and I think that as Mr.
16 Silverstein said, I think when they were enacted
17 they weren't intended to be permanent and this
18 may be an example for other communities.

19 We've seen here the businesses and
20 the residents work together and come to a
21 solution that they both agree to. And the other
22 thing I want to just opine on is that perhaps in

1 all these years I think ABRA has come in a long
2 way and put into play some of the processes that,
3 in fact, may work better such as settlement
4 agreements, protest hearings, just the community
5 I think working with businesses right from the
6 start. So, that's all that I want to add. I
7 think it's a good moment. Thank you.

8 CHAIRPERSON ANDERSON: Thank you, Ms.
9 Miller. No more comments? Well, that's the
10 decision. Thank you very much for your active
11 participation and we'll see what the next step
12 is. Thank you very much.

13 MR. STARRELS: Thank you.