

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE ANNOUNCING THE EXPIRATION OF THE GEORGETOWN
MORATORIUM ZONE ON APRIL 9, 2016**

The Alcoholic Beverage Control Board finds that the Georgetown Moratorium Zone has outlived its usefulness and purpose. Based on this finding, the Board announces its intent to allow the Georgetown Moratorium Zone to expire on April 9, 2016. This will represent the first time that a liquor license moratorium in the District of Columbia has ever been eliminated. As a practical matter, the Board's decision will result in the end of the cap on restaurant licenses in Georgetown and allow the Board to once again issue multipurpose facility and private club licenses in the neighborhood. The cap on nightclub and tavern licenses will remain in effect due to a statute passed by the Council of the District of Columbia, which the Board cannot amend or rescind.

The Board reached this decision based on the comments elicited at the public hearing on the future of the Georgetown Moratorium Zone, which occurred on February 24, 2016. During the hearing, the Board heard testimony from a number of groups active in Georgetown, including Advisory Neighborhood Commission 2E, the Citizens Association of Georgetown, the Georgetown Business Improvement District, and the Georgetown Business Association. Testimony was also provided by the Restaurant Association of Metropolitan Washington and the D.C. Nightlife Hospitality Association. The Board commends and thanks these groups for working together constructively before the hearing to discuss and consider the issues raised by the moratorium regulation.

The seeds for the current Georgetown Moratorium Zone were planted in 1988, when the Council of the District of Columbia passed legislation, which allowed interested parties to request a moratorium. In the wake of this legislation, Georgetown residents and businesses requested a moratorium for their community. Subsequently, in 1989, the Board approved their request. The moratorium has been in existence ever since.

The Board recently reapproved the Georgetown Moratorium Zone regulation in 2011. The 2011 version of the Georgetown Moratorium Zone may be found in § 305 of Title 23 of the District of Columbia (D.C.) Municipal Regulations (DCMR). The current moratorium zone was originally set to expire on February 3, 2016. 23 DCMR §§ 305.1, 305.9 (West Supp. 2016). Nevertheless, in order to allow for community input on the moratorium, the Board granted a 120 day extension by enacting emergency rules on December 9, 2015, which moved the expiration date to April 9, 2016. *Alcoholic Beverage Control Board Legal Agenda*, at 2 (Dec. 9, 2015) (See No. 11).

Under the terms of the current Georgetown Moratorium Zone, the zone extends 1800 square feet in all directions from the intersection of Wisconsin Avenue, N.W., and N Street, N.W. D.C. Official Code § 25-352(d)(3), 23 DCMR § 305.2 (West Supp. 2016). As part of the

moratorium, the Board may not issue retailer class C (beer, wine, and spirits) or D (beer and wine) licenses with tavern, nightclub, multipurpose facility, or private club designations. § 305.1. The moratorium prohibits the Board from issuing more than 68 class C or D restaurant licenses in the zone and more than one class D multipurpose facility or private club license. *Id.* The Board was further prohibited from approving the transfer of licenses located outside of the zone into the zone. 23 DCMR § 305.5 (West Supp. 2016). It should be noted that the Georgetown Moratorium Zone does not apply to hotels, as well as applications for licensure at Georgetown Park, Georgetown Park II, Prospect Place Mall, Georgetown Court, and Washington Harbor. 23 DCMR § 305.3 (West Supp. 2016).

While the moratorium zone is set to expire automatically, § 25-339 of the D.C. Official Code governs the issuance of liquor licenses in the Georgetown Historic District. In general, the law limits the number of nightclub and tavern licenses to six in the Georgetown Historic District. D.C. Official Code § 25-339(a). Because the Board has no power to amend Title 25 of the D.C. Official Code, this law will remain in effect.

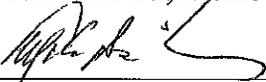
On a final note, it was suggested that the Board consider a template settlement agreement provided by Advisory Neighborhood Commission 2E and the Citizens Association of Georgetown. Upon the submission of an agreement during a contested case by any potential protestants and a consenting licensee, the Board will review the agreement for legal compliance and provide guidance on any provisions that require revision. In light of this process, the Board finds no need to engage in a formal or informal review of the proposed settlement agreement.

Issued March 30, 2016.

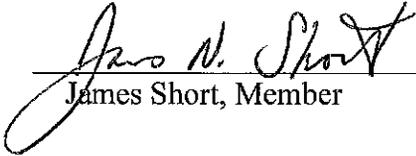
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