

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 3B
GLOVER PARK AND CATHEDRAL HEIGHTS



Resolution Regarding the Renewal of the Glover Park Liquor License Moratorium

Whereas, the Glover Park Liquor License Moratorium began in 1994 to remedy an out-of-control nightlife scene by restricting the issuing of new liquor licenses, and the Moratorium has been renewed four times, often with changes to reflect improved circumstances;

Whereas, the current 3-year term of the Moratorium is set to expire in February 2016;

Whereas, ANC3B announced its intention to seek renewal of the Moratorium with changes at its October meeting and further publicized it on the ANC website and in the Glover Park Gazette, as well as on local Internet listserves, opening a 30-day comment period;

Whereas, the changes ANC3B proposed and publicized were (1) to remove from the Moratorium all restrictions on issuing Class CR (restaurant) licenses, and (2) to request a 5-year renewal period before assessing the status of the Moratorium again;

Whereas, unlike previous renewal times, this time ANC3B has received only a handful of comments, all favoring the proposed changes;

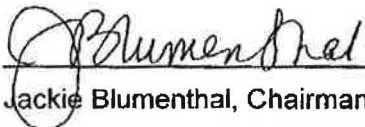
Whereas, the Chairman has reached out to owners of ABC-licensed establishments to discover their thoughts about the proposed changes, and participated in a broad-ranging discussion of potential outcomes of lifting the restrictions on issuing Class CR licenses at a well-attended meeting of the Glover Park Citizens' Association ("GPCA");

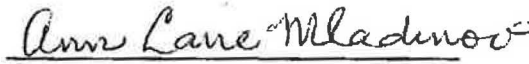
Whereas, based on the Chairman's presentation of proposed changes at the GPCA meeting, the membership of GPCA voted to support ANC3B's Petition to the Alcoholic Beverage Control Board requesting that the Moratorium be renewed with the changes proposed by the ANC;

Therefore, BE IT RESOLVED, that ANC3B agrees to submit a Petition to Renew the Glover Park Liquor License Moratorium that requests approval to continue the Moratorium for another 5 years and to apply the moratorium on issuing new licenses only to taverns (Class CT, DT), nightclubs (Class CN, DN) and full-service liquor stores (Class A).

BE IT FURTHER RESOLVED that the Chairman, who is also the Commissioner of ANC3B-02, or her designee is authorized to represent the Commission on this matter.

This Resolution was APPROVED by a vote of 5-0 at a duly noticed public meeting of ANC3B on Thursday, November 12, 2015, at which a quorum was present. (A quorum is 3 of the 5 members.)


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**BEFORE THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

**Petition to Extend and Amend
the Glover Park Liquor License Moratorium**

Submitted by:

**Advisory Neighborhood Commission 3B
Glover Park Citizens' Association**

December 4, 2015

Petition to Extend and Amend the Glover Park Liquor License Moratorium

Summary

Advisory Neighborhood Commission 3B and the Glover Park Citizens' Association respectfully request that the Alcoholic Beverage Control Board extend the Glover Park Liquor License Moratorium for five (5) years and amend it by removing restrictions on the availability of Class CR restaurant licenses. Thereafter, the moratorium in Glover Park will only prohibit issuing new licenses for Class DT/CT taverns, Class DN/CN/DX/CX nightclubs and Class A liquor stores.

I. Identity of Petitioners

Advisory Neighborhood Commission 3B (ANC3B) is the elected governmental entity representing the residents of the Glover Park and Cathedral Heights neighborhoods. ANC3B voted to approve the recommendations in this petition at its regular meeting of November 12, 2015. (See attached resolution.) The Glover Park Citizens' Association (GPCA) is a membership organization whose members voted to support ANC3B's recommendations to extend and amend the moratorium at its regularly scheduled meeting on November 3, 2015. ANC3B and the Glover Park Citizens' Association were the parties responsible for initiating the present Glover Park Moratorium, with a joint petition filed in November 1993 and renewal petitions filed in March 2000, March 2004, January 2008, and March 2012.

II. Geographic Definition of the Moratorium Zone

Petitioners are proposing that the Board continue the existing geographic definition of the Moratorium Zone, which is the section extending approximately 1,200 feet in all directions from 2436 Wisconsin Avenue, N.W., the location of Plain Old Pearson's.

DCMR 23-308.2 describes the moratorium zone as follows:

The Glover Park Moratorium Zone is described as beginning at Tunlaw Road and Fulton Street; East on Fulton Street to Wisconsin Avenue; South on Wisconsin Avenue to Edmunds Street; East on Edmunds Street to Massachusetts Avenue; Southeast on Massachusetts Avenue to Observatory Circle; Southeast around Observatory Circle to Calvert Street; West on Calvert Street to Wisconsin Avenue; Southeast on both sides of Wisconsin Avenue to 35th Street; South on 35th Street to Whitehaven Parkway; West on Whitehaven Parkway to 37th Street; North on 37th Street to U Street; West on U Street to a point of intersection of Huidekoper Place and W Street; West on W Street to 39th Street; North on 39th Street to Davis Place; East on Davis Place to Tunlaw Road; North and Northwest on Tunlaw Road to Fulton Street.

III. Classes of Licenses to be Covered by the Moratorium

Petitioners are proposing that the Board amend the existing license class coverage of the Glover Park Moratorium by removing Class CR licenses from the moratorium. Thus, the

Moratorium would maintain the freeze on issuing new liquor licenses for Classes A, CN, CT, CX, DN, DT, and DX.

We propose that DCMR 23-308.2 be amended as follows:

“No new retailer's license Class CN, CT, CX, DN, DT, or DX shall be issued for a period of five (5) years from the effective date of this section in the area that extends approximately one thousand two hundred feet (1,200 ft.) in all directions from 2436 Wisconsin Avenue, N.W., Washington D.C. This area shall be known as the Glover Park Moratorium Zone.”

IV. Reasons for Granting the Petition

Petitioners request the renewal and amending of the Glover Park Liquor License Moratorium for the following reasons:

1. The Moratorium should be renewed because it continues to work to redress long-standing and ongoing problems with peace, order, and quiet in the Glover Park mixed-use commercial district and the densely populated residential areas that abut it.

Peace, order and quiet are factors essential to maintaining a viable residential community. The peace, order and quiet of the Glover Park neighborhood within the Moratorium Zone are affected by the number of ABC-licensed establishments crowded into the our small commercial district. Currently, 43% of the available storefronts in the three-block Glover Park commercial district are licensed for the sale of alcohol one way or another. On one block are 10 ABC-licensed establishments, all in a row. This concentration has presented countless problems with obstruction to pedestrians, vehicular traffic backups, loitering and milling about of patrons, outdoor cigarette smoking, litter, and noise.

The small Wisconsin Avenue commercial corridor is zoned for mixed commercial-residential use and is closely surrounded by areas zoned solely for residential use, including single-family homes, town homes and apartment buildings. The residents use the Wisconsin Avenue corridor as their local neighborhood center for services, food and entertainment. Thousands of people live in the townhouses and garden apartments that comprise the bulk of Glover Park's housing stock. Hundreds more inhabit large apartment buildings, including several fronting on Wisconsin Avenue, within and adjacent to the Moratorium Zone. The single-family residential community of Massachusetts Avenue Heights (ANC 3C) abuts the Moratorium Zone to the north and east.

Along the northeast edge of the Moratorium Zone is the Guy Mason Recreation Center, which includes one of the District's most popular playgrounds and a ball field used by youth and adult teams from throughout the District of Columbia. The recreation center and its play areas are in use virtually every day of the year with adult classes in the center, active youth baseball and softball leagues, and children playing in the playground. Just three blocks west of Wisconsin Avenue are Stoddert Elementary School and Glover Park Recreation Center.

The 22 active ABC-licensed establishments, five of which have outdoor seating and serving areas, generate substantial noise, litter, and disruptions of the peace along Wisconsin Avenue and in the adjoining residential neighborhood. The ANC receives regular complaints from residents relating to the following:

- high levels of noise, particularly around closing hours when inebriated patrons leave licensed establishments and return to their cars parked on residential streets – often disruptive enough to prevent residents from sleeping or enjoying the quiet of their homes.
- littering of residential property and public space, including the Guy Mason Recreation Center grounds, with liquor, wine and beer bottles, cigarette butts, food wrappings, and other trash;
- public urination by patrons leaving ABC-licensed establishments – on sidewalks, parking lots, and residents’ yards and gardens;
- late-night vandalism associated with patrons of ABC-licensed establishments;

Between 2004 and 2009, license transfers and two additional CR licenses opened the way for seven new establishments, mainly targeting young singles. Suddenly, Glover Park became a destination location for young people who bar-hop up and down the Avenue until 2 and 3 a.m. No one could have prevented this change, but the Moratorium helped contain it until the problems it spawned – chiefly severe disruption of the peace, order and quiet – could be managed. Patron behavior and noise remains a thorny problem, but improved relationships with ABC licensees are helping to mitigate some of the most disruptive aspects.

2. The Moratorium has created stability in the commercial area, which had suffered prior to 2004 from continual retail turnover.

After the rash of ABRA license transfers and the addition of 5 new CR licenses between 2005-2009, the Moratorium allowed the new establishments to settle in, fine-tune their operating models, build loyal patronage, connect with the community, and survive severe economic times.

Along with the stability it fostered by controlling the number of ABC licensees available, the Moratorium has opened the way for more development. New businesses were attracted to the commercial area – Bruegger’s Bagels, Chipotle, Z-Burgers, Sweetgreen, Einstein’s Bagels, Jimmy John’s – filling vacant storefronts and filling a need for day-time food options. Few of the ABC-licensed restaurants are open until happy hour, except on weekends when brunch is served.

As we reported in our 2012 renewal petition, the Glover Park commercial district was assessed by the District of Columbia’s Office of Planning as “one of the most diversified, successful and resilient neighborhood-serving commercial corridors in Washington, D.C.” Petitioners attribute this directly to the success of the Moratorium in preventing an over-concentration of ABC-licensed establishments.

In Glover Park, the Moratorium has been an effective and valuable development tool, helping our community manage change, balance nightlife and livability, and plan for the future.

3. The Moratorium should continue to prevent issuing new liquor licenses for taverns, nightclubs and full-service liquor stores.

Petitioners believe that a substantial amount of the disruption to the public peace, order, and quiet in Glover Park is attributable to the CT and CN establishments currently in operation, one of which is a nude dancing venue. Perhaps because of the nature of the entertainment within or perhaps because of their particular dependence upon the sale of alcoholic beverages, these establishments attract some patrons who are prone to inebriation, rowdiness, physical altercation, loud noise, and littering.

Police calls to these establishments significantly outnumber calls related to any other ABC licensee. Mason Inn (CT with entertainment endorsement) often requires a police detail at closing time to control the situation and a particularly dangerous aspect is that patrons, often visibly drunk, jay-walk across the six lanes of Wisconsin Avenue, frequently causing traffic to stop short to avoid hitting them. While the management of Good Guys (CN with nude dancing) has been more responsible than that at Mason Inn, it cannot entirely control the actions of its patrons. Within the past three years, a fight behind the establishment ended in a death, and recently neighbors in the apartment building across the street from Good Guys have been disturbed by disorderly patrons at closing times.

There is a sense in the neighborhood that establishments which are seriously committed to providing food present much less of a problem to peace, order and quiet.

Many of the CR-licensed establishments in Glover Park also promote a late-night bar scene after their kitchens close. This adds to the disruption caused by patrons of the taverns and nightclubs, chiefly by increasing the number of incidents of loud and rowdy people walking home through the neighborhood or returning to their cars parked on residential streets at 2 and 3 a.m. (See also the section on parking below.) Incidents of fights, vandalism, and assorted other disruptions continue to occur on residential streets in the middle of the night, significantly affecting the quality of life for residents living closest to the commercial area.

Recently, however, the stability offered by the Moratorium has allowed residents and the ANC to form relationships with licensees that have helped to manage these disruptions of the peace, order and quiet. We are fortunate to have a stable group of licensees who are invested in the neighborhood. But with so much alcohol available in such a small area from so many different venues, the potential for alcohol-based disruptions remains high no matter how well managed the venues are.

Therefore, we believe that allowing more establishments that provide nothing but alcohol – taverns, nightclubs and full-service liquor stores – would not only increase the potential for disrupting the peace, order and quiet of the neighborhood, but would also undo many of the gains the Moratorium has achieved for Glover Park.

Additionally, petitioners are concerned about the possibility that some establishments with CR licenses would seek reclassification as taverns or nightclubs if we made such licenses available. We are aware that some of our local establishments struggle to meet the minimum food-sales requirements of their CR licenses. We hope to encourage more diversity among the restaurant food offerings in our small commercial center, rather than make it easy for licensees to sell only alcohol.

Right now, with most food service over by 10-11 p.m. and most establishments open until 2 and 3 a.m., there is already a long window for tavern-like behavior and that is the source of the remaining problems of peace, order and quiet in our neighborhood.

4. The Moratorium should be amended to remove restrictions on issuing new liquor licenses for restaurants.

In 2013, the Board approved our recommendation to raise the cap on CR licenses under the moratorium from 12 to 14; we had already added 3 new CR licenses in 2009. Today, with one of the CR licenses added in 2013 still available, it appears that the marketplace is likely to be a sufficient guard against an overconcentration of licensed restaurants. As a result, we feel that removing Class CR restaurant licenses from the Moratorium is appropriate.

One reason we feel relatively confident that removing restaurant licenses from the moratorium will not result in overconcentration is that since our last renewal petition, all but one of the vacant properties in the Glover Park Commercial District have been filled.

The one remaining vacancy is the building at 2412 Wisconsin Avenue that used to house JP's Nite Club. However, with the JP's license still in play (to the best of our knowledge), we remain concerned that someone may still attempt to bring nude dancing back to that grandfathered location. But we also are hopeful that the availability of restaurant licenses will encourage the use of that property solely as a restaurant.

5. The Moratorium continues to help the community manage persistent problems with lack of parking and with vehicular and pedestrian safety.

Establishments that are not ABC-licensed along Wisconsin Avenue cater primarily to local residents (dry cleaners, U.S. Post Office, banks, Fedex, hardware store). These businesses do not attract substantial numbers of persons or vehicles from outside the neighborhood.

The ABC-licensed establishments, on the other hand, while serving local residents, also serve (and employ) many persons from outside the Glover Park and surrounding neighborhoods. This results in increased non-resident vehicular traffic. While the residents of Glover Park patronize the ABC-licensed establishments along Wisconsin Avenue and 37th Street, their patronage alone is not sufficient to support them. Given the lack of a Metro station within walking distance, many non-residents who come to the area to patronize these establishments arrive by car.

Legal parking spaces are at a premium within the Moratorium Zone; only about 80 pay-parking spots are located along Wisconsin Avenue in the heart of the commercial district. After recent development, there are now only two commercial facilities available for public parking in the commercial district and only one close to the majority of the ABC-licensed establishments. These facilities are poorly signed and set back in dark areas behind tall buildings, which make them unattractive options for many parkers.

Consequently, patrons of ABC-licensed establishments tend to park on residential streets. Not only do they take parking spots away from residents but when they retrieve their cars at 2 and 3 a.m., the noise of engines starting and car doors slamming is disruptive on quiet residential streets. Even worse is when the leave-taking is accompanied by loud talking and alcohol-inspired rowdiness. After about 10 or 11 p.m., no other establishments except those licensed to serve alcohol are open in the Glover Park commercial district. Late night disruptions on residential streets can accurately be attributed to the consumption of alcohol.

The volume of automobile traffic generated by ABC-licensed establishments also has an impact on vehicular and pedestrian safety. Taxi and Uber traffic along the west side of Wisconsin Avenue on the block where 10 ABC-licensed establishments are located poses a real danger as southbound traffic often comes down the steep hill north of Glover Park at speeds significantly above the 25 mile-per-hour limit. Crashes and near misses at that location are not uncommon. Excessive speed also presents a problem for cars trying to parallel park along Wisconsin Avenue.

The tendency of vehicles to speed through the Wisconsin Avenue commercial area and its effect on pedestrian safety has been a problem of long duration in Glover Park. This is especially true at night when people tend to cross Wisconsin Avenue from one establishment to the other, often against the light or not in a crosswalk.

The Moratorium helps mitigate these dangerous problems most specifically by limiting the taverns and nightclubs that tend to be the places where patrons are more likely to over-consume alcoholic beverages.

V. Conclusion

Petitioners believe the Moratorium has provided a structure for managing change. Nightlife options and development have materially increased. Critics of moratoriums often suggest that they give too much power to residents who oppose any development or change in the status quo. But the health of the Glover Park commercial district today is a remarkable achievement, given its fairly rapid transformation from an old-style village center with nightlife options limited to a few restaurants and two nude dancing bars to the vital, lively neighborhood center it has become.

The past three years demonstrated that increasing the number of restaurant licenses did not exacerbate long-standing and ongoing problems of peace, order, quiet, litter, parking, and pedestrian and vehicular safety. Now that we have achieved a level of stability we feel that requesting a five-year renewal period is appropriate.

Thus, we propose two changes in Section 23-308.2: (1) to remove Class CR licenses from the Moratorium and (2) to extend the renewal period to five years. Other than that, petitioners propose that the scope of the Moratorium remain unchanged.

VI. Addendum: List of Licensees

As of November 2015, there are 24 ABC licenses issued within the Glover Park Moratorium zone: 2 Class A; 3 Class B; 14 Class CR; 2 Class CN (both nude dancing establishments); 1 Class CT (with entertainment endorsement); 1 Class CH; 3 Class DR. Two licenses (CR, CN) are in safekeeping.

- Class A: Plain Old Pearson's; Wide World of Wine
- Class B: Glover Park Market, Whole Foods Market, Food Town (4000 Tunlaw building)
- Class CR: Surfside; Old Europe; Rockland's; Slate Wine Bar & Bistro; Heritage India/Malgudi; Arcuri; Bourbon; Town Hall; Breadsoda; Sushi-Keiko; Spring and Sprout; Mad Fox Tap Room; Sushi-Ko (safekeeping)
- Class CT: The Mason Inn (with entertainment endorsement)
- Class CN: The Good Guys Club (nude dancing); JP's Nite Club (nude dancing; safekeeping)
- Class CH: Savoy Suites Hotel
- Class DR: Romeo's Cafe; Whole Foods Market; Angelico's Pizza

VII. Addendum: How These Recommendations Came About

ANC3B announced at its regularly scheduled meeting in October 2015 that it would be voting on the proposed changes to the Glover Park Liquor License Moratorium at its November 12, 2015 meeting. It invited comments to be submitted prior to the meeting via the ANC email address or by telephone. This same information and call for comments was disseminated throughout the community through articles in the Glover Park Gazette, which is delivered free to every household in Glover Park, and was posted on the ANC's website. Glover Park has several online email list-servs and the ANC's call for comments was posted on all of them as well. We received minimal comments (unlike in past renewal periods) and all were in favor of lifting the restaurant cap while retaining the moratorium on tavern, nightclub and liquor store licenses.

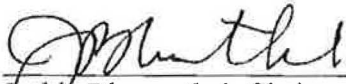
ANC3B Commissioners also independently contacted their constituents to discuss the Moratorium, both in person and by email or telephone. Commissioners also spoke to ABC

licensees to gain their insight on the status of the Moratorium. Again, there was no opposition to the ANC's proposal.

The Chairman also presented the ANC's proposed changes to a well-attended meeting of the Glover Park Citizens' Association on November 3, 2015. After discussion, GPCA members voted overwhelmingly in favor of the proposal and to add their support to the ANC's petition.

On November 12, 2015, ANC3B agreed by a vote of 5-0 to present a petition to the Alcoholic Beverage Control Board seeking to renew the Glover Park Liquor License Moratorium for five years and to amend it by removing Class CR licenses from the moratorium.

Petitioners strongly recommend that the ABC Board extend and amend the Glover Park Liquor License Moratorium as proposed in this petition.



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December 4, 2015



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