

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

**NOTICE OF EMERGENCY RULEMAKING**

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in D.C. Official Code § 25-351(a) (2012 Repl.) and section 305 of Title 23 of the District of Columbia Municipal Regulations (DCMR), hereby gives notice of the following emergency rules to extend the existing Georgetown Moratorium Zone (GMZ) for one hundred and twenty (120) days in order to maintain the current limit on the number of retailer's licenses issued in Georgetown.

Emergency rulemakings are used only for the immediate preservation of the public peace, health, safety, welfare, or morals, pursuant to 1 DCMR § 311.4(e). The existing Georgetown Moratorium is set to expire on February 3, 2016. As a result, the Board finds it necessary to extend the existing Georgetown Moratorium in order to hold a public hearing and make a determination regarding the future of the moratorium.

This emergency action is necessary for the preservation of the health, safety and welfare of the District residents by: (1) ensuring that the limitations placed on the issuance of new retailer's licenses are maintained; and (2) to keep the existing moratorium in place until the Board can make a decision regarding whether to adopt final rules regarding its renewal.

Additionally, on December 2, 2015, the Board received a request from Advisory Neighborhood Commission (ANC) 2E for a sixty (60) day extension from the expiration of the existing moratorium. The ANC requested the extension in order to explore replacing the cap and moratorium on Class CR and DR licenses with a clear set of minimum conditions. The conditions would be designed to curtail the negative impacts of restaurants in the community.

ANC 2E's resolution states that ANC 2E desires to represent the best interests of residents and businesses in Georgetown, including the development of a welcoming environment for high quality restaurants desired by the community. In that vein, the ANC observed that the existing moratorium may have unintentionally created a barrier to entry for new restaurants relative to other neighborhoods.

ANC 2E's resolution indicates that it will be using the additional time created by the extension to actively engage with the Georgetown Business Improvement District and the Citizens Association of Georgetown to develop a recommendation for the Board.

The Board supports the request of the ANC for an extension of the existing Georgetown Moratorium to avoid its expiration on February 3, 2016.

These emergency rules were adopted by the Board on December 9, 2015, by a five (5) to zero (0) vote and became effective on that date. The rules will remain in effect for up to one hundred

twenty (20) days, expiring April 9, 2016, unless earlier superseded by emergency and proposed or final rulemakings.

### **305. GEORGETOWN MORATORIUM ZONE**

305.1 No retailer's licenses class CT, DT, CN, DN, or CX, shall be issued for a period of five (5) years after the effective date of this section in the Georgetown Moratorium Zone that extends approximately one thousand eight hundred (1800) feet in all directions from the intersection of Wisconsin Avenue and N Street, N.W., Washington, D.C. The number of class CR or DR retailer's licenses permitted in this area shall not exceed sixty-eight (68). The number of class DX retailer's licenses in this area shall not exceed one (1).

305.2 The Georgetown Moratorium Zone is more specifically described as the area bounded by a line beginning at the intersection of 33rd and Q Streets, N.W.; continuing east on Q Street, N.W. to Wisconsin Avenue, N.W.; continuing southeast on Wisconsin Avenue, N.W., to Q Street, N.W.; continuing east on Q Street, N.W., to 29th Street, N.W.; continuing south on 29th Street, N.W., to P Street, N.W.; continuing east on P Street, N.W., to 28th Street, N.W.; continuing south on 28th Street, N.W., to O Street, N.W.; continuing east on O Street, N.W., to 27th Street, N.W.; continuing south on 27th Street, N.W., to the northwest boundary of Rock Creek Park; continuing southwest along the northwest boundary of Rock Creek Park to the north bulkhead of the Potomac River; continuing west along the north bulkhead of the Potomac River to the Key Bridge; continuing north on the Key Bridge to M Street, N.W.; continuing West on M Street, N.W., to 36th Street, N.W.; continuing north on 36th Street, N.W., to O Street, N.W.; continuing east on O Street, N.W., to 35th Street, N.W.; continuing north on 35th Street, N.W., to P Street, N.W.; continuing east on P Street, N.W., to 34th Street, N.W.; continuing north on 34th Street, N.W., to Volta Place, N.W.; continuing east on Volta Place, N.W., to 33rd Street, N.W.; and continuing north on 33rd Street, N.W., to Q Street, N.W. (the beginning point).

305.3 The following establishments shall be exempt from the Georgetown Moratorium Zone:

(a) All hotels, whether present or future; and

(b) Establishments located in or to be located in Georgetown Park, Georgetown Park II, Prospect Place Mall, Georgetown Court, and Washington Harbor.

305.4 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a Class C or D retailer's license within the Georgetown Moratorium Zone that was in effect or for which an application was pending prior to the effective date of this section, subject to the requirements of Title 25 of the D.C. Official Code and this title.

305.5 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the Georgetown Moratorium Zone to a new location within the Georgetown Moratorium Zone.

305.6 A license holder outside the Georgetown Moratorium Zone shall not be permitted to transfer its license to a location within the Georgetown Moratorium Zone.

305.7 Nothing in this section shall prohibit a valid protest of any transfer or change of license class.

305.8 The moratorium shall have a prospective effect and shall not apply to any license granted prior to the effective date of this section or to any application for licensure pending on the effective date of this section.