

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

**NOTICE ANNOUNCING THE EXPIRATION OF
THE EAST DUPONT CIRCLE MORATORIUM ZONE**

The Alcoholic Beverage Control Board (Board) announces the expiration of the East Dupont Circle Moratorium Zone on August 21, 2017, and its intent not to reinstate the moratorium as requested by the Dupont Circle Citizens Association (DCCA). This is the second liquor license moratorium in the District of Columbia to expire in as many years. The Board announced the expiration of the Georgetown Moratorium Zone in 2016. As a practical matter, the expiration of the moratorium will allow the Board to issue tavern and nightclub licenses in East Dupont Circle.

The East Dupont Circle Moratorium Zone was originally implemented in 1994 and was most recently revised in 2014. At that time the moratorium set the maximum number of on-premises Retailer's Class CT and DT (Tavern) licenses at two (2) and prohibited the issuance of on-premises Retailer's Class CN and DN (Nightclub) licenses. 23 DCMR § 306.1. The 2014 moratorium was a relaxation of the restrictions from the 2010 moratorium which placed caps on off-premises Retailer's Class A and B licenses (4; two of each) and on-premises Retailer's Class CR and DR licenses (16), CT and DT licenses (2), CN and DN licenses (0), and CX and DX licenses (0).

On June 29, 2017, Advisory Neighborhood Commission (ANC) 2B adopted a resolution notifying the Board that it did not seek renewal of the East Dupont Circle Moratorium Zone. The ANC advocated for smart growth, and sustainable, responsible economic development to promote the welfare of its neighborhood.

On August 8, 2017, the DCCA sent a letter to the Board asking that it retain the cap on nightclub and tavern licenses for an additional three years. In support of continuing the moratorium in East Dupont Circle, the DCCA argued that nothing had changed in the community that would warrant the expiration of the moratorium.

In response to the DCCA's request, and in accordance with D.C. Official Code § 25-354(a), the Board held a public hearing concerning the future of the East Dupont Circle Moratorium Zone. The Board received testimony from Robin Diener, President of the DCCA, Nick DelleDonne, Commissioner for ANC 2B04, and Randy Downs, in his capacity as Commissioner for ANC 2B05 and in his individual capacity as an East Dupont Circle resident. The Board also received written comment from Daniel Adler, an East Dupont Circle resident, and Daniel Warwick, Commissioner for ANC 2B02, in his individual capacity.

The DCCA amended its initial request and now seeks a moratorium on just nightclub licenses. Ms. Diener, on behalf of the DCCA, testified that circumstances still exist in the area warranting the need for a moratorium on nightclubs. Ms. Diener asked the Board to continue the

moratorium on nightclub licenses for an additional three years. During that time, the DCCA hoped to meet with community partners and the industry to come up with a permanent solution concerning nightclubs.

Mr. Adler, who resides in East Dupont Circle, submitted written comments supporting the DCCA's request to extend the moratorium for nightclubs. As a father of two young children, Mr. Adler believes an overconcentration of ABC-licensed establishments currently exists in the neighborhood. He fears that not continuing the moratorium would result in a marked increase in the number of ABC-licensed establishments which he believes would be detrimental to the community.

Commissioner Downs, testifying on behalf of ANC 2B, announced that on June 29, 2017, the full ANC voted 4-1-2 not to seek the renewal of the East Dupont Moratorium Zone. In his individual capacity, Commissioner Downs further testified that he supported the ANC's position not to seek the renewal of the moratorium. Commissioner Downs testified that the East Dupont Circle area had changed significantly since the Board adopted the moratorium approximately 30 years ago. It is Commissioner Downs' position that the moratorium has outlived its usefulness. He believes that license applications can be handled on a case-by-case basis where the ANC employs its regulatory tools to ensure the peace, order, and quiet of the community. Similarly, Commissioner Warwick, in his individual capacity, favored not renewing the moratorium. Commissioner Warwick, however, suggested that should the Board decide to renew the moratorium, it should be limited to taverns and nightclubs only since the DCCA did not request a moratorium for any other licenses.

Commissioner DelleDonne, on behalf of ANC 2B04, testified in support of renewing the moratorium on tavern and nightclub licenses. Commissioner DelleDonne testified that the increased number of families with small children warrants the continuation of a cap on tavern and nightclub licenses. Commissioner DelleDonne acknowledged that there currently are not any nightclub licenses in the area. He fears the potential adverse effects to the community should nightclubs be permitted to resume operation in Dupont Circle.

The Board commends and thanks all those who attended the public hearing or submitted written comments concerning the future of the East Dupont Circle Moratorium Zone. The Board recognizes and appreciates the importance of this issue to residents of East Dupont Circle.

The Board also appreciates the balance that must be struck between the interests of the residents in the neighborhood, and the interests that promote a nightlife economy. The Board recognizes that a diverse, dynamic and safe dining and entertainment environment is part of the fabric of the District, and yet, nightlife activity needs to be carefully managed in order to reduce antisocial behavior, noise, public disturbance and other problems.

However, the Board agrees with the ANC and in accordance with D.C. Official Code § 1-309.10(d)(3)(A), the ANC's recommendation should be afforded great weight. Similar to ANC 2B, the Board finds the changes in the East Dupont Circle Area since the adoption of the first moratorium are telling.

ANC 2B, in concert with the DCCA, residents, and the industry have been able to work together over the years to address many of the negative consequences associated with taverns and nightclubs. Like the ANC, the Board believes that if managed properly, a thriving and safe nightlife can act as an economic engine by attracting new businesses and restaurants, diversifying the range of cultural offerings, creating employment opportunities, and increasing tourism.

The Board also agrees with the ANC that many of the concerns raised by the proponents of a moratorium can be addressed by utilizing the protest process or entering into settlement agreements with terms that benefit the industry and neighborhood alike. Additionally, the Board will always exercise its authority to place conditions on licenses where it is appropriate to do so.

To this end, the Board is in agreement with the ANC that a new direction for the East Dupont Circle moratorium that allows for responsible growth is warranted. Thus, the Board has decided not to renew the East Dupont Circle Moratorium Zone.

District of Columbia
Alcoholic Beverage Control Board


Donovan Anderson, Chairperson


James Short, Member


David Perry, Member


Donald Issac, Member

We dissent from the position adopted by the majority of the Board. The former East Dupont Moratorium Zone is unique in a several ways, and faces a number of unique challenges.

The presence of sidewalk cafes and summer gardens on the east side of 17th Street is juxtaposed to apartments and brownstones on the west side. It is a densely populated, walkable residential area. It is also a historic district, which limits or places additional cost burdens on residents who seek to install soundproofing onto their homes.

When the Moratorium was first imposed, 17th Street was more of a nightlife destination, and it did not face the competition from 14th Street or U Street that it does today. The issues of peace, order, and quiet were far more serious then than they are today.

The neighborhood's closing time for sidewalk cafes - 11pm on weekdays and midnight on weekends - has been successful in alleviating many problems, and has been copied throughout

much of the District. Today, the former Moratorium Zone is both lively and livable, hosting the 17th Street Festival, and boasting a number of highly rated destination restaurants as well as popular neighborhood-serving establishments.

We agree that the moratorium has done its job. We also agree with allowing it to expire, but with one exception. The moratorium on nightclub licenses should remain in effect.

The density of this residential neighborhood and the proximity of the larger possible nightlife venues to residences still pose potential problems. There is an excellent equilibrium currently between the residential and commercial components of the neighborhood. But the establishment of a nightclub in one of the larger venues could upset that equilibrium.

We would prefer to maintain the moratorium on CN licenses in the former Moratorium Zone, but concur with our colleagues in lifting all other provisions.



Mike Silverstein, Member



Nick Alberti, Member