



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Dupont Circle Advisory Neighborhood Commission 2B
ad hoc Committee on the Dupont East Liquor Moratorium
Committee Report
Submitted to ANC 2B on March 11, 2009

Commissioner Jack Jacobson, Chairman
Commissioner Bob Meehan
Commissioner Phil Carney
Commissioner Victor Wexler
Commissioner Mike Feldstein
Chairman Mike Silverstein, ex officio

Introductory Statement

Members of the ad hoc Committee on the Dupont East Liquor Moratorium are in full agreement on most issues concerning the commercial corridor between P and S Streets along 17th Street, NW, and the neighboring vicinity.

First and foremost, we recognize that easy walking access to the retail and service establishments, restaurants and taverns on 17th Street is vital to the high quality of life we all enjoy in the Dupont Circle area, and hence it is our ultimate goal to support the continued success of the 17th Street commercial corridor. Having such a diversity of commercial establishments available to the neighborhood upholds 17th Street as a grand example of smart growth in our city.

The two objectives of the moratorium are as follows:

- 1) To retain retail and service diversity in a commercial corridor, where ABC-licensed establishments represent approximately half of street-level commercial space, through measures which include limiting the number of ABC licenses available and limiting lateral expansion of existing licensed establishments; and
- 2) To ensure to the extent possible the continued peace, order and quiet of the neighborhood through measures which include restricting the categories of ABC licenses available and restricting the number of seats allowed.

It is our belief that 17th Street and the community as a whole will benefit from the renewal of a moratorium that supports the stated objectives of the moratorium. However, we also agree that it is our duty as elected officials of the neighborhood to consider prudent amendments to the existing moratorium where such amendments would not substantially compromise the objectives of the moratorium. In addition, we are mindful of the need to address the current economic crisis and pending streetscape project, both of

which have greatly impacted, and will continue to significantly impact, both residents and businesses within the moratorium zone for the foreseeable future.

In considering any adjustments to the existing moratorium, we have done our best to preserve the delicate balance that exists between commercial and residential neighbors that makes our neighborhood so unique and desirable. We have worked to balance the priority for peace, order and quiet with the need for dining and drinking establishments which serve to bring our community together. Our ultimate goal is to attract additional retail and service establishments to commercial properties within the Dupont East moratorium zone.

Background on the "Dupont East" Liquor Moratorium

In 1990, the Dupont Circle Advisory Neighborhood Commission 2B ("ANC 2B"), along with the Dupont Circle Citizens' Association ("DCCA"), applied for a moratorium on any new liquor licenses being issued along 17th Street. The original moratorium was imposed by the Alcoholic Beverage Regulation Administration ("ABRA") with the dual purposes of:

- 1) Protecting the peace, order and quiet of the neighborhood; and
- 2) Ensuring neighborhood retail and service diversity.

Since 1990, the "Dupont East" liquor moratorium has been renewed three times, in 1995, 2000 and 2005, sometimes with modification in an attempt to adapt to changes in the neighborhood.

The current moratorium expires on April 22, 2009. In response, the Dupont Circle ANC formed a committee to examine the moratorium, determine its benefits and drawbacks, and report back to the full ANC with a set of recommendations.

Authorization of an ad hoc Committee on the Dupont East Liquor Moratorium

At its regular monthly meeting on Wednesday, January 14, ANC 2B voted 9-0, with no absences or abstentions, to create an ad hoc Committee on the Dupont East Liquor Moratorium, appointing Commissioner Jack Jacobson as Chair with Commissioners Bob Meehan, Phil Carney, Victor Wexler and Mike Feldstein as Committee members. The ANC's Chairman Mike Silverstein participated in many of the Committee's activities as an *ex officio* member.

Public Participation in Committee Activities

The ANC moved swiftly to reach out to stakeholder groups in the neighborhood, including DCCA, Historic Dupont Circle Main Streets ("HDCMS") and Dupont Circle Merchants and Professionals ("DC MAP") to meet with the organizations and work together towards a common goal of increasing retail and service commerce on 17th Street while not unduly burdening either neighboring residents or commercial establishments within the Dupont East moratorium zone.

Fact Finding Tours

The Committee conducted two "fact finding" tours of the 17th Street commercial zone, inviting stakeholder organization representatives to participate. The tours were conducted to catalogue commercial properties on the street, identify challenges that have historically arisen with commercial and residential properties in such close proximity to one another, and ensure all participants' knowledge of licensed establishments.

The first tour was conducted the morning of Saturday, January 24, 2009. Participants included Committee Chairman Jack Jacobson, along with Committee members Bob Meehan, Victor Wexler, Mike Feldstein and Mike Silverstein. They were joined by Joel Lawson, representing DCCA; Dave Peruzza, representing HDCMS and DC MAP; and Jonathan ten Hoopen, representing DC MAP.

The second tour was conducted the evening of Wednesday, January 29, 2009. Participants included Chairman Jack Jacobson; Committee member Phil Carney; Ed Grandis, representing DC MAP; and Paul Williams, representing HDCMS.

In our analysis of the street, we were able, in particular, to identify properties within the commercial corridor that were vacant *and available for lease or purchase*. The Committee identified the following properties as vacant and available:

- 1517 17th Street, NW (formerly PharmaCare)
- 1603 17th Street, NW, Lower Level (formerly Club Chaos)
- 1635 R Street, NW (formerly Subari Hair Salon)
- 1704 R Street, NW (formerly Sweet Licks)

The Committee also noted that 1521 17th Street, NW, next to JR's Bar and Grill, is vacant; however, research indicated that the building has been leased by JR's and is currently unavailable for lease or purchase.

Additionally, it was noted that a residential property at 1622 Q Street, NW, is vacant on the main floor. Research indicated that there are residential tenant(s) on the third floor, and that there are efforts underway to rezone the first and second floors as commercial property. The effort to rezone a portion of the property is not final, and would take several months to complete and would require action by ANC 2B for a recommendation for approval or disapproval before final action by any city agency(ies).

The surveys also identified two (2) ABRA licenses within the moratorium zone which are not currently being exercised:

- Java House, located at 1645 Q St., NW, retains a Class DR (restaurant serving beer and wine) license that the owner is not utilizing. It was determined through research and discussion that the owner of the business purchased and retains the unused license in an effort to maximize the value of the business, should he decide to sell it.

- Club Chaos, located at 1601 17th Street, NW, retains a Class CR (restaurant serving full bar) license that is currently in “Safekeeping” at ABRA. It was determined that the owners of the business may be in arrears with the owners of the property over unpaid rent, and the license in effect has a lien against it. ANC 2B hopes to work with ABRA to resolve this license issue in the near future.

Listening Sessions

In an effort to collect additional input and gauge the neighborhood's views on the existing moratorium, the Committee—in coordination with DCCA, DC MAP and HDCMS—held a community "Listening Session" the evening of Monday, February 2, 2009. The Committee also used the listening session to determine questions that remained and as a barometer for where more research and study might need to be conducted.

Approximately forty (40) individuals attended the listening session, representing a wide variety of opinions and ideas for improving the commercial corridor. Approximately seventeen (17) Dupont residents and business owners spoke in favor of and in opposition to the moratorium. Several recurring themes were apparent:

- 1) Residents appreciate the ability to walk to service and retail establishments within blocks of home, including dry cleaners, drug stores, grocery stores and the like, in addition to bars and restaurants.
- 2) While it is a "blunt tool", the moratorium is the best tool available at this time to preserve commercial property for retail and service space within the Dupont East moratorium zone.
- 3) The neighborhood has changed over the years, and the moratorium is not meant to be a permanent solution to the retail/licensed establishment issue within the Dupont East moratorium zone.
- 4) The struggling economy begs for flexibility for and protection of businesses which may be negatively impacted by the drop in consumer spending.
- 5) There are safeguards in place through current law and regulatory rulings to limit or restrict liquor licensing within the Dupont East moratorium zone, but they may be insufficient to protect 17th Street from losing vital retail and service properties that serve the neighborhood to licensed establishments.

Additionally, Chairman Jacobson held a listening session for his constituents on Tuesday, February 24, 2009, and invited his constituents by emailing them and dropping off literature at their residences. His listening session revealed that some residents are particularly concerned about Ross Elementary School and its proximity to such a concentration of ABC-licensed establishments.

Community Meeting

The Committee held another public meeting on Tuesday, March 3, 2009 to present a draft report and solicit community input and comment.

At the March 3 community meeting, around 35 attendees reviewed the draft committee report, ask questions, and offer suggestions for amending and/or improving the report.

Questions centered on 1) how summer gardens might be encouraged and their impact on peace, order and quiet and 2) the need for lateral expansion and the impact of any lateral expansion on pace, order and quiet as well as retail and service diversity.

Following the community forum on the draft report, the Committee met to consider revisions to the document, particularly the Committee's recommended resolution on extending and revising the moratorium. The Committee made adjustments, where necessary and prudent, to our draft recommendations, ultimately improving the report and final resolution presented to the full ANC for consideration.

Submitted Testimony and Public Comment

The Committee strongly encouraged written comments from the community be directed to jack.jacobson@dupontcircleanc.net. Each email was reviewed, catalogued, and forwarded to the Commissioner representing the constituent submitting the comment. The public comments received – both written comments and comments from listening sessions – helped direct additional research that the Committee needed to undertake and helped establish the parameters of any flexibility that might be required within the moratorium renewal.

All told, the Committee received twenty-four (24) responses from Dupont Circle residents on the issue of the moratorium, including the following:

- Five (5) letters requesting that the moratorium be maintained and extended in its current form;
- Three (3) letters requesting that the moratorium be extended, but revised to provide flexibility for businesses; and
- Sixteen (16) letters requesting that the moratorium be allowed to expire and not renewed.

Residents requesting the moratorium be renewed with no edits or changes submitted the following information, which the Committee found helpful:

- “The net effect of any lateral expansion is the same as an increase in the number of licenses. More seats mean more traffic, more air pollution, more parking problems, more noise, and more public nuisance behavior.”
- “The moratorium has been critical to the preservation and recent growth of neighborhood-serving businesses in the two-block 17th Street ‘strip.’”
- “None of the conditions on the ground in the neighborhood indicating the imperative needs for a moratorium have changed since the last time around.”
- “The arguments for no further relaxation of the moratorium are as strong now as they have ever been, and quite possibly stronger.”

Residents wishing for a renewed moratorium which would allow for a degree of flexibility, include the following statements, which the Committee noted:

- “Much that I like about the building where I have lived for the better part of 20 years is the convenience having businesses across the street and the adjoining blocks – a grocery, dry cleaner, and restaurants. So I favor granting liquor licenses to businesses that does not disrupt our quiet enjoyment of the neighborhood.”
- “Well-structured laws and their proper enforcement would make moratoria unnecessary.”
- “...[P]erhaps the moratorium could be continued for an additional length of time or steps could be taken through voluntary agreements to limit the amount of noise.”

Residents supporting the expiration of the moratorium submitted the following comments, which the Committee also noted:

- “I moved to this neighborhood over 10 years ago because I wanted to be in a vibrant urban setting. I have been concerned about the closing of several establishments along 17th Street and am hopeful that letting the moratorium expire will bring new business to this street.”
- “I think we’re seeing 17th Street begin to lose the ‘critical mass’ it needs to survive and thrive as a flamboyant, save and entertaining part of town... so we shouldn’t put *any* additional barriers in the way of keeping 17th St. a vibrant and profitable destination.”
- “...[I]f the moratorium is allowed to lapse [Commissioners] should be reminded that this does not signal an ‘open season’ on new liquor licenses. Public comment and the judgment of our elected commissioners will still reign as the deciding factor for expansion.”
- “...[M]ore competition might help to improve [17th Street] a bit.”
- “I favor eliminating the moratorium for two reasons: it is a rigid restriction on trade unwarranted when we have other community-based tools to ensure honest management of liquor licenses; 17th street is losing adult entertaining establishments and we need to allow current occupants to expand and new ones enter the market.”

The full written statements received by the Committee are included at the end of this report.

Additionally, TENAC, the DC Tenants' Advocacy Coalition, submitted a letter representing "all D.C. tenants" requesting that the moratorium be maintained and extended without modification.

The Committee also received a petition signed by 323 residents living within Dupont Circle and the boundaries of ANC 2B requesting that the moratorium be allowed to expire. The petition stated:

The East Dupont Circle Moratorium Zone currently exists to ban all new liquor licenses in the area on and surrounding 17th Street NW from P to S Streets. It is our belief that this ban has caused existing businesses to relocate, competition to stagnate, and new businesses to locate elsewhere. These factors could all negatively affect the housing prices in the Dupont Area.

The signatories of this petition live within ANC 2B in the District of Columbia and fully support the abolition of the East Dupont Circle Moratorium Zone. We further support the review of all new liquor licenses by the ANC on a case-by-case basis.

From the public comments received, the Committee understands that there are many different points of view within the community on the effects of and need for the moratorium. We understand that there is not a single opinion on how to proceed, but we all have a common goal of making the neighborhood a better place to live, work and visit.

Research, studies and information from the most recent moratorium, renewed only three years ago, were also brought to the attention of the Committee. In developing its recommendations, the Committee referenced the recent traffic studies conducted, and noted that a petition was circulated requesting that the Safeway store, located at 1620 17th Street, NW, not be allowed to apply for and/or receive a Class B (store selling beer and wine) license.

Alcoholic Beverage Regulation Administration Activities

With the Dupont East moratorium set to expire on March 23, 2009, ANC 2B at its February 11, 2009 regular monthly meeting passed the following resolution, requesting a 30-day extension from the Alcoholic Beverage Regulation Administration ("ABRA") of the current moratorium with no amendments, to allow ANC 2B additional time to solicit community input and act on the current moratorium:

***WHEREAS**, there currently exists within ANC 2B a moratorium on liquor licensing along the 17th Street, NW, commercial corridor, known as the "Dupont East Liquor Moratorium", and*

***WHEREAS**, the moratorium currently in effect expires on March 23, 2009; and*

***WHEREAS**, ANC 2B's ad hoc Committee on the Dupont East Moratorium, constituted by a vote of 9-0 at ANC 2B's January 14, 2009, meeting, has held a community listening session, has solicited community input, and has engaged stakeholders on the potential continuance and/or revision of the Dupont East Liquor Moratorium; and*

***WHEREAS,** ANC 2B would like to hold at least one more meeting to receive community input on a possible Dupont East moratorium extension and finalize a committee report for consideration on the same issue to be presented to the full ANC 2B on March 11, 2009.*

***THEREFORE, BE IT RESOLVED, THAT** ANC 2B requests that the Alcoholic Beverage Regulation Administration ("ABRA") extend the current Dupont East Liquor Moratorium by 30 days with no amendments or adjustments; and*

***BE IT FURTHER RESOLVED, THAT** ANC 2B vote on a final resolution on the Dupont East Liquor Moratorium and provide the same to ABRA no later than March 12, 2009, so that the Administration has ample time to consider our recommendations, notice a hearing, hold a hearing, and finalize a ruling prior to the final expiration of the Dupont East Liquor Moratorium.*

ABRA's board considered the request at its March 4, 2009 meeting. Chairman Mike Silverstein represented ANC 2B at the hearing.

ABRA granted the ANC's request for a 30-day extension, which was also supported by DC MAP. ABRA announced that the hearing date to consider the ANC's resolution on the Dupont East moratorium would be Wednesday, April 15 at 2:00 pm.

Committee Findings

Below are a series of findings based on the Committee's study and research on the moratorium.

- 1) **Peace, Order and Quiet**—The lack of available parking continues to be a problem in the Dupont East moratorium zone, particularly for residents living within the zone, but also for potential customers for the retail, service, dining and drinking establishments within the zone. A 2005 study conducted by the DCCA indicated that parking problems are worst on Friday and Saturday evenings. The Committee found no indicators that the parking situation had significantly improved or deteriorated since the 2005 survey was conducted.
- 2) **Peace, Order and Quiet**—Since the Dupont East moratorium was renewed, a potential parking solution has been codified by the District of Columbia. Institution of "Performance Parking" within the Dupont East moratorium zone and adjacent streets may promote retail and service establishments by setting parking meter prices at a rate that would leave a certain percentage of spaces available at all times; however, more research needs to be done in this area to confirm effectiveness and to study the drawbacks of instituting such a program.
- 3) **Peace, Order and Quiet**—On September 2, 2007, Police Serve Area 306 transferred from the 3rd Police District to the 2nd Police District, and now known as PSA 208. Following its transfer from the 3rd to 2nd Districts, police response

- time in Dupont Circle, including the Dupont East moratorium zone, decreased by 25.3% (1 minute, 14 seconds), positively impacting the peace, order and quiet of the neighborhood. The Committee finds that faster response times within the moratorium zone have had a positive effect on peace, order and quiet.
- 4) **Peace, Order and Quiet**—On February 11, 2009, a ban on single sales went into effect throughout Ward 2. This ban is designed to limit the number of single beer cans and bottles, malt liquor cans and bottles, and half-pint and pint liquor bottles in an attempt to reduce "quality of life" crimes. As of the date of this report, it is unknown what effect the ban has had on litter, public intoxication, nuisance crimes and other peace, order and quiet throughout the Dupont East moratorium zone. The Committee expects the ban to positively impact the peace, order and quiet of the neighborhood.
 - 5) **Peace, Order and Quiet**—Club Chaos, to which a Class CR (restaurant serving full bar) was granted, had effectively “morphed” into a tavern or nightclub. The establishment, at the time of its closing, no longer met the requirements for a Class CR (restaurant serving full bar) license (that 45% of revenue be generated through the sale of food). Furthermore, the establishment routinely held events which required one or more entertainment endorsements, but had not received appropriate endorsements from ANC 2B or ABRA. The closing of Club Chaos has had a positive effect on the peace, order and quiet of the neighborhood.
 - 6) **Peace, Order and Quiet**—There are 2,343 seats at ABC-licensed establishments within the Dupont East moratorium zone. Of those seats, 274 include seats that may be available due to seats removed from Komi (20) during its renovation, and unutilized seats at Club Chaos (198) and Java House (56). UPDATE: As of April 2009, Java House has expressed plans to begin wine service to its customers, so the seats attributed to Java House may no longer be counted as available or unused. Furthermore, prior to adding additional seats within the Moratorium Zone, it may be prudent to utilize all of the available unused seats by redistributing them to licensees who are granted lateral expansions during this moratorium period.
 - 7) **Peace, Order and Quiet**—The Dupont Circle Citizens Association commissioned a sound measurement on the 1500 block of 17th Street, NW in 2006. The test took place on Thursday, August 17, 2006, and was conducted by Willer, Beam & Paganelli, Inc. While the allowable DC Noise Code Level is 60 decibels, the measurement concluded the sound produced was 70 decibels, or twice the allowable limit, on the evening the sole measurement was taken.
 - 8) **Peace, Order and Quiet**—There may exist within the Moratorium Zone an overconcentration of licensed establishments as approximately 50% of the commercial store frontage within the Zone is occupied by licensed establishments. The overconcentration of outdoor seating facing 17th Street between P and Q Streets, NW, is of particular concern to residents on the west side of 17th Street.

- 9) **Retail and Service Diversity**—On May 11, 2005—the hearing date for the last moratorium renewal—there was only one (1) vacant commercial property within the Dupont East Moratorium Zone: 1636 17th Street, NW. There currently exist within the Dupont East Moratorium Zone four (4) vacant commercial properties as of the date of submission. Another property, located at 1521 17th Street, remains vacant but has been leased to the owners of JR's Bar and Grill, which is located next door.
- 10) **Retail and Service Diversity**—The economic success of the street depends upon utilization of all tools available to encourage retail and service businesses within the moratorium zone, not simply on restricting or eliminating ABC licensing. The Committee was able to identify no efforts within the neighborhood to encourage expansion of retail and service other than renewal of the moratorium and study of a possible zoning overlay.
- 11) **Economics**—In the Spring of 2009, the District Department of Transportation (DDOT) is slated to begin a year-long 17th Street Revitalization Project, which will replace the road surface and sidewalks on 17th Street as well as all of the sidewalks along 17th Street in the Dupont East moratorium zone. A similar streetscape revitalization project along P Street in the Dupont West moratorium zone in 2008 led to four (4) businesses closing due to reduced economic activity during the streetscape, and several more closings can likely be attributed to the streetscape project.
- 12) **Moratorium Alternative(s)**—During the last Dupont East moratorium renewal process, ANC 2B formed a committee to explore the possibility of replacing the moratorium with a zoning overlay. After researching this possibility and working with the Office of Planning, ANC 2B determined that a zoning overlay would not achieve the desired effect on the street and that, under current law, the moratorium is the best solution available to protect retail and service diversity and protect the peace, order and quiet of the neighborhood.
- 13) **Moratorium Alternative(s)**—There is a desire by residents, businesses and stakeholder organizations to find a permanent solution to the Dupont East liquor moratorium which would preserve, protect and encourage the establishment of retail and service businesses within the moratorium zone without unduly restricting licensed establishments from locating within the moratorium zone.
- 14) **Moratorium Alternative(s)**—While the moratorium is effective keeping commercial space from becoming licensed establishments, the moratorium has no proactive impact in attracting retail and service to the Dupont East moratorium zone.
- 15) **Moratorium Alternative(s)**—There is a need to catalogue the regulatory and legal tools available to the Commission, agencies and residents to impact which businesses are allowed to move to commercial corridors like 17th Street.

16) **Neighborhood Enhancement**—There has been a perennial problem of trash and rodents in the alley behind businesses on the east side of the 1500 block of 17th Street, NW. Businesses have no incentive to clean the alley or address rodent problems other than fear of enforcement by DC government agencies, which have historically been lax. Were businesses allowed to construct summer gardens which overlook Stead Park along said alley, the Committee would expect a positive impact on neighborhood aesthetics and a reduction in trash and rat problems, particularly if businesses purchase trash compactor(s) in said alley. Were summer gardens to be constructed overlooking Stead Park, the ratio of seats per square foot should not exceed the concentration of seats per square foot currently granted in public space along 17th Street within the Moratorium Zone.

Recommendations

The Committee recommends that the ANC pass the following resolution:

Whereas, ANC 2B recognizes the positive effects that the existing moratorium has had on 1) protecting and supporting diverse retail and service establishments serving residents within the Dupont East moratorium zone, allowing for smart growth and a walkable neighborhood; 2) promoting peace, order and quiet in the neighborhood and, and 3) helping to avoid the parking and traffic difficulties evident in nearby entertainment corridors; and

Whereas, the Dupont East liquor moratorium is set to expire on or about April 22, 2009.

1. Therefore, be it resolved, that ANC 2B requests that the Alcoholic Beverage Regulation Administration ("ABRA") renew the existing Dupont East liquor moratorium for a five (5) year period from the date of Board action;

2. Be it further resolved, that ANC 2B is prepared to consider petitioning ABRA to allow for additional Class DR (restaurant serving beer and wine) or Class CR (restaurant serving full bar) licenses after a period of three (3) years;

3. Be it further resolved, that ANC 2B recognizes that controlling moratorium legislation allows for any ANC to petition for a review of any moratorium after two (2) years, and that ANC 2B would consider this option only in the event that the current economic crisis or other unforeseen occurrence has a devastating impact on the corridor;

4. Be it further resolved, that ANC 2B recognizes that JR's Bar and Grill, located at 1519 17th Street, NW, successfully applied for and maintains the right to participate in lateral expansion to the property at 1521 17th Street, NW, separate and apart from any ABRA Board action on the Dupont East moratorium renewal; furthermore, the Commission notes that JR's has had

the ability to execute lateral expansion for a number of years and has made a business decision not to, independent of any action or inaction by the Commission;

5. *Be it further resolved, that* a renewed and extended Dupont East moratorium shall allow ANC 2B and ABRA to approve no more than two (2) requests for lateral expansion of existing licenses, between or within historic row houses, subject to strict review of such expansion on the impact of retail and service diversity within the moratorium zone and the impact of such expansion on the peace, order and quiet of the neighborhood. Furthermore, any establishment which is granted lateral expansion shall have no more than one (1) entrance to such establishment, though additional fire exits may be established to bring any expanded establishment into compliance with applicable fire and/or safety codes;

6. *Be it further resolved, that* any entertainment endorsements granted during the established moratorium period shall not include a dance floor for any Class CR (restaurant serving full bar) establishments with less than 1,000 square feet of indoor space allocated for food and beverage service for customers. Furthermore, no entertainment endorsements shall be granted for Class CR (restaurant serving full bar) license holders which would allow for live music, including DJ's, after the establishment's kitchen has closed. Furthermore, license holders of entertainment endorsements issued during the moratorium may not hold entertainment after 11:00 pm for any night of the week, unless the entrances and exists of the establishments are equipped with double door systems designed to minimize sound heard on the street when patrons or staff enter or leave those establishments. The ANC shall support applications for the necessary DCRA, DPW and historic preservation permits to construct such door systems. License holders of any new Class CR (restaurant serving full bar) license(s) granted during the moratorium period shall not be allowed to apply for an entertainment endorsement which allows for more than six (6) promoter's special events within a twelve (12) month period;

7. *Be it further resolved, that* no additional sidewalk café seats or rooftop seats facing 17th Street for establishments along 17th Street between P and Q Streets, NW, will be authorized during the moratorium, including for any new ABC establishments that might be approved during the moratorium period;

8. *Be it further resolved, that* ANC 2B encourages existing licensees with establishments adjacent to Stead Park to construct summer gardens overlooking the newly-renovated park and athletic facility. The Commission finds that this would likely result in an immediate improvement in the ambiance and sanitation of the area behind these establishments, particularly if trash compactors are employed. ANC 2B

requests that a renewed and extended moratorium not prohibit the ANC from considering and granting requests for additional seats in summer garden(s) overlooking or adjacent to Stead Park from businesses operating licensed establishments within the moratorium zone, so long as the Commission finds that such requests would not have an adverse impact on the peace, order and quiet and sanitation within the moratorium zone; and

9. *Be it further resolved, that* nothing in a renewed and extended moratorium shall require the ANC to approve moratorium modifications including, but not limited to, lateral expansion(s), additional seats in summer garden(s) overlooking Stead Park, or additional Class CR (restaurant serving full bar) or Class DR (restaurant serving beer and wine) licenses following the two (2) year moratorium modification petition period established by city law, should the ANC find approval of such modifications would be adverse to retail and service diversity or peace, order and quiet of the neighborhood; furthermore, that the approval of any modifications that qualify as a substantial change shall be subject to the approval process established by ABRA.

Additional Recommendations

In addition to the recommended resolution indicated above, the Committee recognizes the benefits of future ANC action to improve retail and service diversity within the moratorium zone, and to continue to positively impact peace, order and quiet within the moratorium zone. As such, the Committee recommends the ANC consider undertaking the following activities during this moratorium period:

- 1) The ANC should form—in conjunction with community leaders, businesses, relevant city agencies (including the Mayor's Retail Task Force and the Deputy Mayor for Economic Development) and stakeholder organizations—a working group on the future of 17th Street, to suggest and/or pursue changes in law to attract retail and service businesses to 17th Street, as well as look into issues including performance parking, which may help address parking issues within the moratorium zone.
- 2) The ANC should work closely with the businesses and residential buildings bordering Stead Park in an effort to encourage the purchase and utilization of trash compactors in an effort to reduce trash and rodent issues in the alley behind the east side of the 1500 block of 17th Street, NW.
- 3) In the future, more attention needs to be focused on the collection and analysis of data, looking at such factors as noise, parking, and other quantifiable factors.