



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Dupont Circle Advisory Neighborhood Commission 2B

May 18, 2013

Chairwoman Ruthanne Miller
Alcoholic Beverage Control Board
Reeves Center
2000 14th Street NW
Washington, DC 20009

RE: Proposed 14th and U Street Moratorium

Dear Chairwoman Miller,

At its regular meeting on May 8, 2013 the Dupont Circle Advisory Neighborhood Commission (“ANC 2B” or “Commission”) considered the above-referenced matter. With all of the Commissioners present, a quorum at a duly-noticed public meeting, the Commission approved the following resolution by a vote of (6-1-1).

WHEREAS, The Shaw-Dupont Citizens Alliance on December 10, 2012, petitioned the Alcoholic Beverage Control Board of the District of Columbia (“ABC Board”) seeking to establish a moratorium on the issuance of new retailer-class liquor licensees, including restaurants, taverns, nightclubs, and caterers; and

WHEREAS, The proposed moratorium would encompass a zone extending within the boundaries of Advisory Neighborhood Commission 2B (“ANC 2B”); and

WHEREAS, The written advice of ANC 2B, as an affected ANC, must be accorded “Great Weight” by the ABC Board, pursuant to section 13(d)(3) of the Advisory Neighborhood Commissions Act of 1975; and

WHEREAS, The Alcoholic Beverage Control Board has scheduled a hearing on the petition on May 22, 2013 and has solicited formal comments from affected ANCs; and

WHEREAS, ANC 2B has discussed and received public comments on the proposed moratorium at a joint listening session held March 20, 2013 with ANCs 1B and 2F, a further listening session hosted by ANC 2B’s ABRA Policy Committee on April 17, 2013, an ABRA Policy Committee meeting on May 1, 2013, and a full ANC 2B meeting on May 8, 2013 – in addition to individual and online community outreach between Commissioners and constituents; and

WHEREAS, based on these discussions, ANC 2B believes that overall community sentiment is opposed to the moratorium, including residents within and outside of the proposed moratorium zone; and

WHEREAS, ANC 2B has two liquor license moratoria in its boundaries and has a unique perspective on the effectiveness, including positive or negative outcomes, that a moratorium may have; and

WHEREAS, ANC 2B believes there is insufficient evidence that a new moratorium will positively impact rates of crime, noise, parking concerns, and other issues; and WHEREAS, ANC 2B believes a moratorium under existing law is a blunt tool that does not allow petitioners to request more reasonable boundaries; and WHEREAS, ANC 2B believes that current tools exist, and other creative solutions should be pursued, to address the concerns raised in the petition, including enforcement of the existing ARTS Overlay, use of Settlement Agreements, encouraging reimbursable police details and specialized police units in the area, and a series of dedicated taxi stands; and

WHEREAS, ANC 2B acknowledges the negative impacts that accompany the growth of liquor licenses in our area; and

WHEREAS, ANC 2B sees positive steps the community should take to address those impacts, including ensuring a well-functioning Advisory Neighborhood Commission and ABC Board with the authority to appropriately punish delinquent licensees; and

WHEREAS, ANC2B has previously been very successful in utilizing these tools, such as Settlement Agreements, to help ensure that the needs of residents are appropriately balanced with the desires of the business community to effectively manage noise, public safety, and parking concerns; and

WHEREAS, A new moratorium would be a market-distorting mechanisms that would unfairly advantage incumbent businesses by transforming liquor licenses within the moratorium zone into commodities that may cost tens of thousands of dollars, pricing local entrepreneurs out of the market; and

WHEREAS, Moratoria treat all liquor-licensed establishments the same and do not distinguish among types of licenses and between good and bad actors, rather than allowing the ANC and the ABC Board the opportunity to consider each potential application on its own merits; and

WHEREAS, ANC 2B believes that many of the new businesses, including liquor-licensed establishments in the proposed moratorium zone have been welcome and positive additions to the 14th and U Street neighborhood; and

WHEREAS, There has been strong collaboration among ANC's 2B, 1B, 2F, and 6E throughout the new moratorium petition process and all ANC's have come to similar to conclusions regarding the proposed moratorium; and

Therefore, be it RESOLVED, that ANC 2B advise the ABC Board to reject in its entirety the pending petition to create a retail liquor license moratorium zone in the Historic 14th and U Street Corridor and to decline to move forward with any rule-making process to effectuate such a moratorium zone; and

Be it FURTHER RESOLVED, That ANC 2B recommit itself to working with District agencies, the City Council, the Metropolitan Police Department, residents, the business community, neighboring ANCs and other stakeholders to improve the enforcement of all

applicable laws and regulations governing liquor licensees and potential community impacts, and to seek changes in such laws and regulations, where deemed advisable; and

Be it FURTHER RESOLVED, ANC2B strongly urges the Alcoholic Beverage Regulatory Administration to develop a formal and transparent process with the Department of Consumer and Regulatory Affairs and the Office of Zoning to enforce the existing ARTS Overlay in the neighborhood.

Due to his position on the ABC Board, Commissioner Silverstein did not participate in the vote.

Commissioners Noah Smith(noah.smith@dupontcircleanc.net), Will Stephens (will.stephens@dupontcircleanc.net), and Mike Feldstein (mike.feldstein@dupontcircleanc.net) are the Commission's representatives in this matter.

ON BEHALF OF THE COMMISSION.

Sincerely,

A handwritten signature in blue ink that reads "William F. Stephens". The signature is written in a cursive style with a long horizontal stroke at the end.

Will Stephens, Chair

cc:

martha.jenkins@dc.gov
sarah.fashbaugh@dc.gov
fred.moosally@dc.gov
jonathan.berman@dc.gov