



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

May 18, 2015

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

RE: West Dupont Liquor License Moratorium Zone

Dear Chairwoman Miller,

At its regular meeting on May 13, 2015 the Dupont Circle Advisory Neighborhood Commission (“ANC 2B” or “Commission”) considered the above-referenced matter. With 7 of 9 Commissioners present, a quorum at a duly-noticed public meeting, the Commission approved the following motion by a vote of (4-2-1):

Whereas Advisory Neighborhood Commission 2B (ANC 2B) appointed a Working Group on the West Dupont Liquor License Moratorium Zone at the January 12th meeting of the Commission; and

Whereas the Working Group held three public meetings regarding the future of the moratorium, conducted an online questionnaire, and reached out to neighbors over three months; and

Whereas the Working Group recommended the ANC should not extend the moratorium due to the desire to spur economic development, the potential for perverse economic incentives, and to encourage good business; and

Whereas ANC 2B recognizes the divisive nature of conversation regarding liquor licenses and the published intent to remove the moratorium led to more public involvement than was received during the working group process; and

Whereas ANC 2B believes the negative impacts of liquor selling establishments are contingent on operating practices and proximity to residential units rather than the Alcohol Beverage Regulatory Administration (ABRA) license classification system; and

Whereas ANC 2B acknowledges the long history of West Dupont as a mixed use neighborhood with apartments, condominiums, and late night businesses located next to each other; and

Whereas ANC 2B recognizes the amenities and availability of late night food service and entertainment options are what drives many neighbors to choose living in Dupont Circle; and

Whereas ANC 2B acknowledges late night amenities are often paired with late night problems—including the disruption of resident sleep due to disregard for peace, order, and quiet—ANC 2B believes these problems are based on the operating behavior of business owners, attentiveness of Metropolitan Police Department patrols, and effectiveness of ABRA and Department of Consumer and Regulatory Affairs (DCRA) enforcement of noise ordinances; and

Whereas ANC 2B finds the negative impacts of some late night liquor selling establishments are managed ineffectually through the current MPD, ABRA, and DCRA enforcement mechanisms, and

Whereas the West Dupont Moratorium provides a limit on quantity of liquor licenses, it does not offer protection against the negative operating practices of businesses disturbing residential peace including through amplified noise and base music which pierces through residential windows; and

Whereas within the moratorium zone there is a statutory limit of two Class A licenses, three Class B licenses, three CX (multipurpose, such as The Phillips Collection or Cosmos Club) licenses, six CT (tavern) licenses, and zero CN (nightclub) licenses; and

Whereas among the statutory limit of liquor licenses, all are currently in operation except for one Class B license and two CT licenses; and

Whereas ANC 2B believes licenses for off-premises consumption of alcohol—Class An and Class B licenses—are not drivers of peace, order, and quiet violations; and

Whereas multipurpose licenses are only available for venues serving alcohol at special events such as the Phillips Collection, O Street Mansion, and Cosmos Club; and

Whereas the differences between a restaurant, tavern, and nightclub license are based on a scale of food service and entertainment where restaurants are required to serve food up to two hours before closing and have revenue of \$2,000 or more in food service per occupant based on Alcohol Beverage Control (ABC) board certified certificate of occupancy or receive at least 50% of their revenue from food service while taverns and nightclubs have no food service requirement; and

Whereas restaurants and taverns may request endorsements for entertainment and dance floors above 140 square feet, nightclubs are granted an entertainment endorsement and a dance floor of unlimited size based on the virtue of their license, and may offer entertainment by nude performers; and

Whereas lifting the moratorium in its entirety would allow nightclubs to enter West Dupont while West Dupont has not had a nightclub for at least twenty years; and

Whereas the addition of a nightclub to West Dupont would be disruptive to the peace, order, and quiet of our and any mixed use neighborhood based on the guaranteed entertainment endorsements and lack of food service inherent in the license class.

Therefore be it RESOLVED while ANC 2B can endorse the Working Group's report to not request an extension on Class A, B, X, and T (liquor store, beer and wine store, multipurpose license such as the Phillips Collection or Cosmos Club, and tavern) licenses—in addition to the current lack of limitation on restaurant licenses—ANC 2B cannot support the recommendation to lift a moratorium on nightclub licenses.

Be it further RESOLVED ANC 2B petition the ABC Board for a renewal of a modified West Dupont Circle Moratorium for a three-year period from the date of Board action, with a modification so the moratorium is solely a continuation of the limitation on CN (nightclub) establishments in the same geographic region as the current moratorium zone; in this petition; ANC 2B will request the ABC Board lift the restriction on quantity of Class A, B, X, and T licenses similar to the lifting of Class R (restaurant) licenses in 2011.

Be it further RESOLVED that ANC 2B work with ABRA, the ABRA noise task-force, the Metropolitan Police Department, the Department of Consumer and Regulatory Affairs, and the Zoning Commission, neighbors, businesses, and other stakeholders to codify a city-wide restriction on nightclubs next to residential buildings and residential buildings next to nightclubs so that three years from now, the blunt instrument of a moratorium zone will no longer be needed to protect residents in West Dupont.

Be it further RESOLVED the ANC's South of the Circle Working Group be expanded to include the area encompassed by the West Dupont Moratorium Zone.

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

All Commissioners of the ANC with the exception of Mike Silverstein are the Commission's representatives in this matter.

ON BEHALF OF THE COMMISSION.

Sincerely,

A handwritten signature in black ink that reads "Noah Smith". The signature is written in a cursive style with a large initial "N".

Noah Smith
Chairman

cc:

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