
DUPONT CIRCLE CITIZENS ASSOCIATION

established 1922

P.O. Box 73616

Washington, DC 20056-3616

March 26, 2009

Fred Moosally, Interim Director
Alcoholic Beverage Regulation Administration
941 North Capitol Street, NE
Suite 7200
Washington, DC 20002

Re: Request for Renewal of the East Dupont Circle Moratorium

Dear Mr. Moosally:

The Dupont Circle Citizens Association requests that the Alcoholic Beverage Regulation Administration, Alcoholic Beverage Control Board adopt rules that extend the East Dupont Circle Moratorium. DCCA's Board of Directors adopted the enclosed resolution on this matter at its regular monthly meeting on March 25, 2009, with a quorum present and by a vote of seven in favor, one against, and one abstaining.

As stated in our resolution, DCCA has concluded that the East Dupont Circle Moratorium has been an effective tool in preserving neighborhood qualities that the residents of our community value and specifies the deleterious outcomes that would result without the restrictions that the moratorium imposes. We also have enclosed the position paper that DCCA adopted after ANC 2B's ad hoc Committee on the Dupont East Liquor Moratorium issued its draft report and in anticipation of the meeting at which ANC 2B considered, and adopted, its resolution on this matter.

DCCA has participated in groundbreaking collaborative work, headed by the ANC 2B ad hoc Committee, to grapple with the East Dupont Circle Moratorium issues in a creative and constructive manner. In addition, we have heard from and initiated conversations with a broad range of interested members of our own organization. The resulting DCCA resolution and position paper support the conclusions of ANC 2B, but amplify their work in two respects:

We support modifying the terms of the existing moratorium to permit consideration of limited lateral expansion by license holders who occupy small spaces, provided the license holder demonstrates that the expansion will have minimal impact on retail diversity and has a business plan that will effectively control the impact of such expansion on peace, order, and quiet. By way of clarification, it is DCCA's position that adverse impacts multiply with scale and that permitting a small establishment to get a bit larger is much more neighborhood-friendly than permitting a large establishment to get immense.

Although DCCA opposes an increase in the number of retail licenses permitted under the current moratorium regulations, we would support ANC review of the situation along the 17th Street corridor after three years under an extended moratorium if ANC 2B concludes that economic problems or other unforeseen occurrences warrant such action. However, in view of the existence of two unused licenses, DCCA does not support consideration of additional Class DR or Class CR licenses until after the current outstanding licenses are used, revoked or sold, and recommends that any such consideration be subject to objective criteria.

DCCA is proud to support and participate in this collaborative neighborhood effort to deal with a difficult issue. We hope that this constructive and productive neighborhood alliance continues through the Alcoholic Beverage Control Board's consideration of ANC 2B's request for renewal of the existing moratorium.

DCCA is not requesting an opportunity to testify at your April 15th public hearing. We do expect that one or more DCCA officers will attend the hearing and be available to answer your questions, if any, and we are submitting a copy of these materials to Peter Feather, Chairman, Alcoholic Beverage Control Board, so that they are made a part of the official record of the proceeding.

ON BEHALF OF THE DUPONT CIRCLE CITIZENS ASSOCIATION

Sincerely,

John Hockensmith
First Vice President

Cc: Peter Feather, Chairman, Alcoholic Beverage Control Board

DUPONT CIRCLE CITIZENS ASSOCIATION

established 1922

P.O. Box 73616

Washington, DC 20056-3616

Whereas, the East Dupont Circle Moratorium is scheduled to expire on April 22, 2009, and

Whereas, the Dupont Circle Citizens Association has concluded that the East Dupont Circle Moratorium has been an effective tool in preserving neighborhood qualities that the residents of our community value and believes that without the restrictions that the moratorium imposes—

- non-liquor neighborhood-serving retail businesses (such as hardware, dry cleaning, coffee, ice cream, gift, pharmacy, and grocery stores) are likely to be lost to bars and restaurants with liquor licenses;
- neighborhood traffic congestion, parking, and trash problems will worsen;
- trash and rat problems will become more serious; and
- late night noise and public nuisance behavior (such as urination in public places) will increase.

Therefore, be it resolved that the Dupont Circle Citizens Association requests that the Alcoholic Beverage Regulation Administration, Alcoholic Beverage Control Board adopt rules that extend the East Dupont Circle Moratorium.

Be it further resolved that the Dupont Circle Citizens Association has concluded that the following two elements are integral to the East Dupont Circle Moratorium:

- extension for a period of five years, and
- continuation of the current limit on the number of retailer licenses (see 23 DCMR section 306.1).

And be it further resolved that the Dupont Circle Citizens Association also supports modifying the terms of the existing moratorium to permit lateral expansion by a limited number of current license holders into an adjoining or adjacent space, property, or lot, provided that the Alcoholic Beverage Control Board adopts and applies criteria and procedures that will minimize the impacts on peace, order, and quiet and retail diversity, for example, by replacing the current prohibition against lateral expansion with the possibility of expansion by not more than two current license holders who are located in narrow row house spaces, so long as—

- the license holder demonstrates that the expansion will have minimal impact on retail diversity within the moratorium zone and that the license holder has a business plan that will effectively control the impact of such expansion on the peace, order and quiet of the neighborhood;
- the expansion will not displace any resident or retail business; and
- the expanded establishment will not have more than one entrance, apart from any fire exits necessary for compliance with applicable fire and safety codes.

Be it further resolved that the Dupont Circle Citizens Association opposes authorization of any additional street-facing sidewalk café or rooftop seats during the moratorium period, and it supports continued application of ANC 2B's Public Space Guidelines on Sidewalk Café/Outdoor Restaurant Use.

And be it further resolved that the Dupont Circle Citizens Association commends ANC 2B for its specification of needed limitations on any entertainment endorsements that might be granted during the moratorium period and for its vision of the possible development of summer gardens by those currently holding licenses for establishments adjacent to Stead Park, subject to strict ANC 2B review for the impact on peace, order, and quiet.

Approved at the March 25, 2009 meeting of the Board of Directors of the Dupont Circle Citizens Association.

John Hockensmith, First Vice President, Dupont Circle Citizens Association
For the Board of Directors

DUPONT CIRCLE CITIZENS ASSOCIATION

established 1922

P.O. Box 73616

Washington, DC 20056-3616

DCCA POSITION ON MORATORIUM RENEWAL—March 10, 2009

The Dupont Circle Citizens Association supports extension of the East Dupont Circle Moratorium for an additional five-year period.

DCCA congratulates ANC 2B for its comprehensive study of Moratorium issues and the inclusion of many neighborhood constituencies in this effort. We find much to support in the ANC 2B Draft document and expect that when it is refined it will be an effective plan for the future of neighborhood development and cooperation. We anticipate coordinating DCCA's and ANC 2B's requests that the Alcohol Beverage Control Board continue to limit the number of retailer licenses issued in this zone.

INTRODUCTION

Since 1922, the Dupont Circle Citizens Association has focused on protecting and enhancing our unique inner-city neighborhood. We have worked to ensure that there is a healthy balance between quality of life concerns and economic development. We believe that the future of our neighborhood depends upon our ability to listen to our neighbors and foster healthy relationships among residents, the business community and District of Columbia officials.

The area known as the East Dupont Circle Moratorium Zone and adjacent side streets is a village-like segment of the Dupont Circle neighborhood. Unlike nearby corridors such as 14th, 16th, and U Streets, 17th Street is a relatively narrow, largely residential street and is not a major traffic corridor. This portion of the Dupont Circle neighborhood consists of a dense mix of single-family homes, apartment buildings, and neighborhood-serving retail establishments that do not sell alcoholic beverages along with restaurants and bars that attract a broader clientele from the neighborhood and beyond.

DCCA recognizes that there are different visions of what would be the best path to sustainable economic development and balanced growth for East Dupont and the appropriate remedies for projected economic decline related to the current recession and the upcoming 17th Street Streetscape project. We applaud the efforts of Advisory Neighborhood Commission 2B and its ad hoc Committee on the Dupont East Liquor Moratorium (Commissioners Jack Jacobson, Bob Meehan, Phil Carney, Victor Wexler, Mike Feldstein, and, *ex officio*, Mike Silverstein) which have been directed toward constructive engagement of all parties.

DCCA'S POSITION

DCCA believes that two elements are integral to the East Dupont Circle Moratorium:

- extension for a period of five years, and
- continuation of the current limit on the number of retailer licenses (see 23 DCMR section 306.1).

DCCA also supports modifying the terms of the existing moratorium to permit consideration of lateral expansion into an adjoining or adjacent space, property, or lot by not more than two current license holders who are located in narrow row house spaces, so long as—

- the license holder demonstrates that the expansion will have minimal impact on retail diversity within the moratorium zone and that the license holder has a business plan that will effectively control the impact of such expansion on the peace, order and quiet of the neighborhood;
- the expansion will not displace any resident or retail business; and
- the expanded establishment will not have more than one entrance, apart from any fire exits necessary for compliance with applicable fire and safety codes.

DCCA's position is based on our conclusion that the East Dupont Circle Moratorium has been an effective tool in preserving neighborhood qualities that the residents of our community value. We believe that without the restrictions that the moratorium imposes—

- non-liquor neighborhood-serving retail businesses (such as hardware, dry cleaning, coffee, ice cream, gift, pharmacy, and grocery stores) are likely to be lost to bars and restaurants with liquor licenses;
- neighborhood traffic congestion, parking, and trash problems will worsen;
- trash and rat problems will become more serious; and
- late night noise and public nuisance behavior (such as urination in public places) will increase.

DCCA does recognize, however, that conditions evolve over time. Under appropriate criteria and with meaningful regulatory oversight and enforcement, it is possible that with limited modification, the moratorium zone regulations will continue to achieve the moratorium's objectives while permitting increased flexibility for members of the business community.

In this regard, we commend ANC 2B's ad hoc Committee for its work on the possibility of limited lateral expansion by up to two current license holders, for its specification of needed limitations on any entertainment endorsements that might be granted during the moratorium period, and for its vision of the possible development of summer gardens by those currently holding licenses for establishments adjacent to Stead Park, subject to strict ANC 2B review for the impact on peace, order, and quiet.

DCCA agrees with the committee that easy walking access to the retail establishments, restaurants, and taverns on 17th Street is vital to the high quality of life we all enjoy in Dupont Circle and that it is important to support 17th Street as a vibrant commercial corridor. We also agree that the regulations should retain the current restrictions against the addition of any new taverns, nightclubs, or private clubs within the moratorium zone for the next five years.

CONCLUSION

DCCA is cognizant of the fact that the currently available ANC document is a draft committee report. It is subject to committee modification before presentation to the full ANC 2B and to further modification upon consideration of that body at its March 11, 2009 meeting.

THEREFORE, WE SUPPORT ADOPTION BY ANC 2B OF AN EAST DUPONT CIRCLE MORATORIUM RESOLUTION THAT INCLUDES THE FOLLOWING ELEMENTS:

Recognition of the positive effects that the existing moratorium has had on peace, order, and quiet in the neighborhood and in protecting and supporting a diversity of retail establishments within the 17th Street East Dupont Circle Moratorium Zone.

A request that the Alcoholic Beverage Regulation Administration renew the existing moratorium for a five-year period.

The possibility of up to two exceptions to the current prohibition against lateral expansion by existing license holders, under the criteria set out above.

In addition, we support the committee's position that no additional street-facing sidewalk café or rooftop seats should be authorized during the moratorium period. And we support continued application of ANC 2B's Public Space Guidelines on Sidewalk Café/Outdoor Restaurant Use.

Finally, although DCCA opposes an increase in the number of retailer licenses permitted under the current moratorium regulations, we would support ANC review of the situation along the 17th Street corridor after three years under an extended moratorium if ANC 2B concludes that economic problems or other unforeseen occurrences warrant such action. In view of the existence of two unused licenses within the moratorium zone, DCCA does not support the consideration of additional Class DR or Class CR licenses until after the current outstanding licenses are used, revoked, or sold and recommends that any consideration of additional Class DR or Class CR licenses be subject to objective criteria and contingent upon a showing by the applicant that changed circumstances warrant such action.

In closing, it is our intent and sincere hope that DCCA's participation in ANC 2B's decisionmaking process supports and contributes to development of a constructive relationship among the various neighborhood interests and leads to an ANC 2B document and an East Dupont Circle Moratorium that will serve our neighborhood well in the coming years.

For the Dupont Circle Citizens Association,

John Hockensmith
First Vice President