



Alcoholic Beverage Licensing Committee  
Agenda  
Tuesday, November 15, 2011 7-8:45pm  
Sherwood Recreation Center (10<sup>th</sup> and G Sts NE)

I. Welcome/ Introductions / Approval of Agenda/ Approval of Minutes

II. Community Comment

III. New Business

1. Consider draft proposal in response to meetings regarding possible cap on licenses\*
2. New CR license for Pho Bar and Grill--1360 H St NE
3. New license at 1255 H St NE

IV. Adjourn

(Next Meeting Date – December 20, 2011)

Please visit [www.anc6a.org](http://www.anc6a.org) for any updates to the agenda.

**\*Draft proposal can be found on the following pages.**

**DRAFT**  
PROPOSAL IN RESPONSE TO MEETING REGARDING POSSIBLE CAP  
ON ALCOHOL LICENSES  
November 8, 2011

## **Background**

In June 2011, it was determined that the time was right for ANC6A to hold public meetings on the subject of a possible cap or moratorium on the number of alcohol licenses on H St NE within the ANC's boundaries. It had been several years since the ABL Committee had considered the issue and several residents had raised the need for such a discussion. While some individuals criticized the ANC for even broaching the topic, Committee believes it is the ANC's responsibility to continuously engage our constituents about the direction of our community. The Committee did so in an open and transparent process that involved residents and business owners.

The ANC publicized these meetings widely through announcements on its website, email list serves, twitter and facebook pages, local blogs and other local media outlets, and flyers.

The ABL Committee held public meetings on September 20, 2011 and October 18, 2011. The September meeting was informational where the director of the District Alcohol Beverage Regulatory Administration explained the mechanics of a cap or moratorium. We also had two ANC commissioners from other parts of the District to speak about pros and cons since their neighborhoods either had a moratorium or had considered one. The October meeting was focused on community reaction to the informational meeting and whether or not the community thought a cap or moratorium was appropriate at this time for H Street, NE.

## *What We Learned*

During the informational meeting, a lot of good information was shared with the community on how a cap or moratorium would work. Below are highlights of those points:

- There are five current moratorium zones in the District: Adams Morgan, Georgetown, Glover Park, Dupont East, and Dupont West.
- To have the most impact, a cap or moratorium should be enacted before over-saturation of establishments occurs (example: Even though Adams Morgan has had a moratorium for many years, it hasn't relieved the perceived problems because it was enacted after over-saturation occurred.).
- What's the difference between a cap and moratorium? A cap would be a ceiling on the number of a specific kind of license permitted in an area. If a licensee were canceled, then someone else could apply for the new license that would become available. Under a moratorium, the ceiling on the number of licenses would fall each time a license were canceled (the licenses would be lost).
- It can take up to one year for any cap or moratorium to be enacted. Once an ANC votes to support a cap or moratorium, the Alcohol Beverage Control (ABC) Board would hold a fact finding hearing to allow for community input. The burden would fall on the ANC to prove to the Board that a cap or moratorium is necessary. If the Board votes to support a cap or moratorium (they could also alter the proposal), the proposal would then move to the Council of the District for consideration. The Council could change, enact, or reject the cap or moratorium.
- A cap would need to be in place for a minimum of three years up to a maximum of five years. If the community decided that they had made a mistake by enacting a cap, there is not an opportunity to prematurely end it.
- A cap or moratorium can be limited to a specific license class (CT, CR, CN, A, B, etc) or classes.
- A cap or moratorium area can be drawn 600, 1200, or 1800 feet from a specific location.
- The community could not pick and choose which individuals could apply for the available licenses. It's a first-come, first-served application process.

## *Conclusion*

After listening to community comments at the ABL public meeting, conversations with many in the business community, fellow commissioners and committee members, and community members, it appears there is no clear consensus that a cap or moratorium should be pursued at this time for H Street, NE. There does appear to be more agreement that the community wants to be carefully engaged in the continued redevelopment of H Street. An overwhelming number of community members would like to see more retail opportunities, enhanced parking protections for residents, and a reduction in the amount of noise from patrons.

In order to address these valid concerns, the ABL Committee recommends the ANC adopt the following proposal.

## **Proposal**

### *Parking*

The ANC should remain actively engaged with the District Department of Transportation (DDOT) on efforts to implement the H Street performance parking program. This program is aimed at ensuring residents have better access to residential parking spaces near H Street. The program is designed to have zone 6 parking on one side of the residential blocks during certain hours (the hours, days of the week, and which blocks will be included will be determined by DDOT after working with the community) and will charge different rates for parking on H Street, NE depending on the time of day. DDOT is hopeful the program can be implemented next spring. While this program won't solve all the parking problems, it should go a long way in reserving one-side of residential streets for zone 6 vehicles most of the time.

The ANC needs to continue working with the District Department of Public Works' Parking Enforcement Administration to ensure that the enhanced resident parking protections under the H Street Performance Parking Program are adequately enforced.

### *Noise*

The ABL Committee will work with the business community to ask for continued assistance in trying to keep patron noise to a low level as they leave the commercial district and enter residential areas. One idea is for the Committee to work with the business community to come up with a design for signage that could be placed at the exits of establishments and on street signs in residential blocks to remind individuals to please keep their voices low in the residential neighborhood. We also encourage the business community to consider working with the ANC's Community Outreach Committee on possible grant funds for the creation of the signs.

The ANC should also carefully consider public space permits for alcohol and non-alcohol establishments to ensure noise and trash from such public space use is mitigated.

### *Restrictions on Alcohol Licenses*

Currently, there are a disproportionate number of tavern licenses (CT) versus restaurant licenses (CR). Without seeking to implement a cap on the total number of licenses on H Street, the ANC should strongly encourage new establishments to seek CR licenses and that the ANC should protest any new CT license, except in rare cases when a case-by-case determination is made that a CT versus a CR license will not adversely impact neighbors in the immediate area of the proposed establishment. Additionally, the ANC should update the standard voluntary agreement (VA) to require new CR licenses to have their kitchens open and operational for the service of food up until one hour prior to closing (current DC regulations require a CR to have their kitchen open up until two hours prior to closing). This will help ensure a CR doesn't become solely a bar or nightclub late at night. Further, the ANC should, through the VA and protest process, limit the maximum number of patrons allowed in an establishment to 150

people. This will ensure the capacity at establishments is reasonable and doesn't become too large and unmanageable.

It's recommended that the ANC, through the ABL Committee, periodically hold a meeting to consider whether or not a cap or moratorium is warranted for H Street, NE.