DCCA is a volunteer, nonprofit organization, founded in 1922 to enhance the Dupont Circle neighborhood.

DUPONT CIRCLE CITIZENS ASSOCIATION
DCCA

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ALCOHOLIC BEVERAGE
REGULATION ADMIN

2013 AUG 13 A 11:34

ABRA

August 12, 2013

Chair Ruth Anne Miller
ABC Board
Alcohol Beverage Regulation Administration
2000 14th Street NW 4th floor
Washington, DC 20009

RE: Request for Temporary Extension of East Dupont Moratorium

Dear Chair Miller:

Request: The Dupont Circle Citizens Association requests a temporary (120 day) extension of the East Dupont Moratorium (more commonly referred to as the 17th Street Moratorium) which expires on September 23, 2013. The purpose of the temporary extension is to allow time: to complete a "draft" and "unfinished" report presented by ANC2B's Special Committee on the 17th Street Moratorium, which recommended lifting the cap on restaurants (CR's); to complete the reporting process by collecting relevant data including the status of inactive licenses, providing analysis of the potential effects of all options; to implement a recommendation of the ANC2B's 2009 Moratorium renewal report to form a working group on retail to assess such things as the reasons for and impacts of prime real estate sitting vacant for many years; and to arrive at a collaborative agreement supported by the community at large.

DCCA Process: The DCCA Regulatory Committee, having met on August 8 to consider the unfinished "draft" report by ANC2B's Special Committee on the 17th Street Moratorium, recommended to the DCCA board that an emergency temporary extension be requested of ABRA's ABC Board in order to assist the ANC in completing the research and background work needed to make an informed decision contemplating all options. On August 11, the DCCA Executive Board met to consider the DCCA Regulatory Committee recommendation and accepted it unanimously. Among its considerations was the lack of time provided by the ANC schedule for DCCA to survey its full membership. Below are listed several factors that the Board considered in making its decision to request an extension.

Incomplete Report to the Public: On August 7, at a special listening session, the ANC Special Committee on the 17th Street Moratorium presented to the public a resolution to continue the East Dupont Moratorium while removing the cap on CR's. The recommendation was based on an uncompleted "draft" report first presented to the public at that very session, one week before the regularly scheduled meeting of ANC2B, at which it would be voted upon. The report contained none of the expected data, such as the status of licenses in safekeeping (Club Chaos closed for more than 5 years) or the reasons for prime retail space remaining vacant for many years, nor any rationales for the recommendation to lift the cap, nor any discussion of potential impacts on the prime reasons for implementation of the moratorium in the first place – protection of "peace, order and quiet" and protection of "neighborhood serving retail."

Unrealistic Timing: The timeframe for public consideration was perhaps too short when it was first scheduled by the ANC Committee, but was fatally compromised by presentation of an incomplete report which, at just one week before the ANC vote, does not allow a reasonable time for public consideration of a full report. In the past, when considering renewal of a Moratorium, ANC2B has provided a month between the presentation of its completed report and any vote.

ANC Special Committee Participation: In previous years, ANC2B had invited other groups to participate on its moratorium committees, including DCCA, Historic Dupont Circle Main Streets (HDCMS) and the DC Merchants and Professionals Association (DCMAP). This time it did not. DCCA members attended the three listening sessions in substantial numbers and consistently made known their views and questions.

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2009 Report Recommendation As Yet NOT IMPLEMENTED: Also of great interest to DCCA was a recommendation from the ANC's Committee Report of 2009 to convene a "working group" to explore issues, such as the impact of prime retail space sitting empty and unleased for many years, and the status of licenses in "safekeeping" like one at the former Club Chaos, now closed for five years, and consider changes – including legislative ones -- that might attract desired retail and ensure diversity of services on 17th Street. This excellent planning proposal was never implemented due largely to the de-funding of HDCMS -- the group that would have led the working group effort – when it lost its last director several years ago, and who was only just replaced late this spring. In addition, the DC Office of Planning has recently introduced a Retail Revitalization Toolkit which will be of great use in an evaluation of and planning for improved retail diversity.

Three Specific Issues in Need of Consideration: It is of great concern to DCCA that three particular questions be researched and discussed before any vote on altering a moratorium which has served the community well and been consistently renewed by ANC2B over two decades:

One is the financial pressures that may arise for neighborhood serving retail within the very limited commercial area on 17th Street (2 ½ blocks) by the lifting of the CR cap.

Two is the realistic prospect for attracting the kind of restaurants community members expressly indicated that they hoped to see as a result of loosening or abolishing the moratorium. DCCA members worry that without directed efforts to attract the kind of new restaurants and/or other desirable retail that would meet the expectations neighbors entertained for changing the moratorium, the purpose for changing it in the first place will not be achieved

Three, DCCA would like the ANC to review and explain to the public the recent changes in the Omnibus Alcohol Law to the process for arriving at mutually agreeable Settlement Agreements that help preserve peace, order and quiet, and how these would operate under a lifted cap.

Unconsidered Option: It is not clear from the ANC report whether the option to "tweak" the CR cap by adding a limited number of licenses was considered. It seemed to DCCA attendees that the majority of participants at the listening session indicated an interest in this option.

Expected Outcome: DCCA believes that its request for a temporary extension is reasonable. DCCA members will assist the ANC with data collection, conducting interviews, and other research areas as needed. We look forward to working with HDCMS. In addition, we believe that by working together to flesh out missing details and consider options, we will arrive at a well-reasoned and collaborative agreement on the East Dupont Moratorium that the ABRA ABC Board will be able to accept.

We look forward to your response.

Respectfully submitted,

Ramon Estrada

Ramon Estrada, MBA
President