

Resolutions for the Adams Morgan Moratorium

Part 1 [Passed by a 7-0 vote]

Resolved, that ANC1C considers that Adams Morgan continues to suffer from "significant problems with peace, order, and quiet, particularly with respect to criminal activity, noise, litter, disorderly conduct, crowd control, and vehicular and pedestrian safety, as well as parking problems during the late evening hours in the Adams Morgan Moratorium Zone" as set forth in the ABC Board's Final Rulemaking concerning the Adams Morgan Moratorium Zone on January 22, 2009.

Further resolved, that ANC1C considers these problems to arise principally from the fact that, although there are no nightclub licenses in Adams Morgan, multiple alcohol serving establishments in the Adams Morgan Moratorium Zone have been permitted to operate as though they were night clubs through entertainment endorsements, the failure to enforce food sales requirements, and the failure to enforce the District's noise ordinances and other applicable requirements of District law.

Further resolved, that ANC1C considers it to be the overwhelming shared vision of the Adams Morgan community, including residents and businesses, that the commercial district within the Adams Morgan Moratorium Zone should not be a "club zone", or an "entertainment district", but should instead be a district that integrates quality and diverse dining, complemented by moderate entertainment, with local retail, and that respects the residential character of the neighborhood.

Part 2 [Passed by a 6-0 vote, 1 Commissioner abstaining]

Further resolved, that ANC1C supports continuing a prohibition on the issuance of any night club licenses within the Adams Morgan Moratorium Zone.

Further resolved, that ANC1C supports continuing a prohibition on the issuance of any new tavern licenses within the Adams Morgan Moratorium Zone, or the conversion of any other licenses into tavern licenses within the Adams Morgan Moratorium Zone, at any time that the number of tavern licenses within the Adams Morgan Moratorium Zone equals or exceeds 10.

Part 3 [Passed by a 6-1 vote]

Further resolved, that ANC1C acknowledges a sincere difference of opinion among well intentioned and committed members of the community with respect to the treatment of restaurant licenses within the Adams Morgan Moratorium Zone. On the one hand, some residents feel that the adverse conditions that persist in Adams Morgan can only be improved if the current prohibition on the issuance of new restaurant licenses within the Adams Morgan Moratorium Zone is extended along with the limitations on night club licenses and tavern licenses. On the other hand, some residents feel that the adverse conditions that persist in Adams Morgan can be improved by allowing additional restaurant licenses to foster competition among existing establishments and raise the level of quality within the commercial district.

Further resolved, that having considered these two perspectives, ANC1C is convinced that allowing additional restaurant licenses within the Adams Morgan Moratorium Zone can foster

competition among existing establishments, raise the level of quality, and positively impact the adverse conditions that persist in Adams Morgan. However, ANC1C believes strongly that this approach can only work if establishments operating under restaurant licenses are required to operate as bona fide restaurants (in which the quality of the menu is the primary factor driving the success of the business), and are not allowed to devolve into de facto night clubs (in which alcohol consumption is the primary factor keeping the business alive).

Further resolved, that ANC1C supports ending the prohibition on the issuance of new restaurants licenses within the Adams Morgan Moratorium Zone, subject to the following conditions:

- 1) That no additional entertainment endorsements be granted within the Adams Morgan Moratorium Zone of the kind that characterize night club activity, specifically cover charges, live music other than as an accompaniment to dining, DJs, and dancing.
- 2) That promoters and bar crawls be prohibited.

ANC1C is cognizant that some of these conditions may not be eligible for inclusion within the moratorium order that the ABC Board will issue. To the extent that they are not eligible for inclusion, ANC1C requests that the ABC Board impose them license by license for the duration of the moratorium period.

Part 4 [Passed by a 7-0 vote]

Further resolved, that ANC1C seeks to have these limitations apply for a period of 5 years, subject to review and further comment by the community at the mid point of that 5 year period.

Further resolved, that ANC1C will prepare and submit a petition to the ABC Board consistent with the foregoing resolutions on the basis that the limitations identified in them are necessary due to (i) overconcentration of tavern licenses and licenses that are operating as de facto night clubs within the moratorium zone, (ii) adverse effects on peace, order, and quiet, and (iii) adverse effects on residential parking needs and vehicular and pedestrian safety.

Part 5 [Passed by a 6-0 vote, 1 Commissioner abstaining]

Finally resolved, that in 2014, ANC1C's ABC and Public Safety Committee will endeavor to:

- 1) Work with ABRA, the Adams Morgan Business Improvement District, and with Adams Morgan residents associations to develop criteria for what constitutes a "good operator" vs. a "bad operator" so that establishments can be assessed going forward.
- 2) Prepare a letter to landlords in Adams Morgan letting them know ANC1C's views about Adams Morgan's commercial corridor (as reflected in these Moratorium resolutions) and requesting that the landlords respect the community's desires for bona fide restaurants and not de facto nightclubs when identifying commercial tenants.
- 3) Petition ABRA, the Office of the Attorney General, and the ABC Board to enforce the conditions of licensure of the existing alcohol serving establishments in Adams Morgan, perform regular audits of questionable food sales reporting, and utilize the sanctions provided in 23

DCMR 2101.5 (a) and (b), namely revoking the entertainment endorsements and reducing the operating hours of establishments that fail to satisfy their food sales requirements.

4) Petition the Police, DCRA, ABRA, the Office of the Attorney General, and the ABC Board to enforce the District's noise ordinances and the other applicable requirements of District law.

5) Petition ABRA to require new operators to read the terms of any settlement agreements to which their license is subject and to certify that they have done so.

6) Petition the ABC Board to agree to hold a hearing within 180 days of any new operator beginning operations if ANC1C requests it due to concerns that the new operator has begun operating as a de facto night club rather than as a bona fide restaurant.

7) Petition the ABC Board to act aggressively to cancel any restaurant licenses within the Adams Morgan Moratorium Zone that have languished in safekeeping.

8) Make recommendations for potential legislative improvements to the ABC laws.

9) Petition ABRA to stagger license renewal periods within license classes.

10) Petition the ABC Board to update the food-per-seat requirements, as required by law.