

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

NOTICE OF EMERGENCY RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in section 101(a) of the Moratorium Amendment Act of 1999, effective May 3, 2001 (D.C. Law 13-298; D.C. Official Code § 25-351(a)), as amended, as amended, hereby gives notice of the following emergency rules to extend the existing Glover Park Moratorium Zone (GPMZ) for ninety (90) days in order to maintain the current limit on the number of retailer's licenses issued in Glover Park.

The existing FPMZ is set to expire on February 22, 2016. As a result, the Board finds it necessary to extend the existing GPMZ in order to hold a public hearing and make a determination regarding the future of the GPMZ. In accordance with and in accordance with section 6 of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)), emergency action is necessary for the preservation of the health, safety and welfare of the District residents by: (1) ensuring that the limitations placed on the issuance of new retailer's licenses are maintained; and (2) to keep the existing GPMZ in place until the Board can adopt final rules regarding its renewal.

The Board received one (1) a request regarding the existing GPMZ. On December 4, 2015, Advisory Neighborhood Commission (ANC) 3B filed a Petition to Extend and Amend the Glover Park Liquor License Moratorium (Petition). The ANC Petition resulted from its October 2015 ANC meeting, in which the ANCs intended to receive public input from stakeholders and constituents in order to formulate a recommendation for the Board. The Chairman of ANC 3B also reached out directly to current license establishments to solicit their feedback on the proposed GPMZ extension, as well as met with the Glover Park Citizen's Association.

In summary, the ANC seeks renewal of the existing GPMZ for a five (5) year period with certain modifications. Specifically, the ANC Petition proposes to maintain the restrictions on liquor licenses for Classes A, CN, CT, CX, DN, DT, and DX, but to remove the restriction on Class CR licenses.

The Board believes that the ANC's proposal merits further evaluation. Thus, the Board seeks an extension of the existing GPMZ to avoid its expiration and to hold a hearing to receive public comments on the proposals. A public hearing is scheduled for March 30, 2016, at 11:00 a.m. These emergency rules were adopted by the Board on February 3, 2016, 2016, by a five (5) to zero (0) vote and became effective on that date. The rules will remain in effect for ninety (90) days, expiring on May 3, 2016, unless earlier superseded by an emergency rulemaking or final rulemaking.

Section 308, GLOVER PARK MORATORIUM ZONE, of Chapter 3, LIMITATIONS ON LICENSES, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR, reads as follows:

308 GLOVER PARK MORATORIUM ZONE

- 308.1 No new retailer's license class A, CT, CN, CX, DN, DT, or DX shall be issued for a period of three (3) years from the effective date of this section in the area that extends approximately one thousand two hundred feet (1,200 ft.) in all directions from 2436 Wisconsin Avenue, N.W., Washington, D.C. 20007. The number of class CR retailer's licenses permitted in this area shall not exceed fourteen (14). This area shall be known as the Glover Park Moratorium Zone.
- 308.2 The Glover Park Moratorium Zone is more specifically described as beginning at Tunlaw Road and Fulton Street; East on Fulton Street to Wisconsin Avenue; South on Wisconsin Avenue to Edmunds Street; East on Edmunds Street to Massachusetts Avenue; Southeast on Massachusetts Avenue to Observatory Circle; Southeast around Observatory Circle to Calvert Street; West on Calvert Street to Wisconsin Avenue; Southeast on both sides of Wisconsin Avenue to 35th Street; South on 35th Street to Whitehaven Parkway; West on Whitehaven Parkway to 37th Street; North on 37th Street to U Street; West on U Street to a point of intersection of Huidekoper Place and W Street; West on W Street to 39th Street; North on 39th Street to Davis Place; East on Davis Place to Tunlaw Road; North and Northwest on Tunlaw Road to Fulton Street.
- 308.3 All hotels, whether present or future, shall be exempt from the Glover Park Moratorium Zone.
- 308.4 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a retailer's license class A, CT, CN, CR, CX, DN, DT, or DX within the Glover Park Moratorium Zone that was in effect or for which an application was pending prior to the effective date of this section, subject to the requirements of Title 25 of the D.C. Official Code and this title.
- 308.5 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the Glover Park Moratorium Zone to a new location within the Glover Park Moratorium Zone.
- 308.6 A license holder outside the Glover Park Moratorium Zone shall not be permitted to transfer its license to a location within the Glover Park Moratorium Zone.
- 308.7 Nothing in this section shall prohibit a valid protest of any transfer or change of a license class.
- 308.8 The moratorium shall have a prospective effect and shall not apply to any license granted prior to the effective date of this section or to any application for licensure pending on the effective date of this section.

308.9

This section shall expire three (3) years after the date of publication of the notice of final rulemaking.