

ANC2B Moratorium Committee

March 11, 2009

Below are a series of findings based on the Committee's study and research on the moratorium.

- 1) Peace, Order and Quiet—The lack of available parking continues to be a problem in the Dupont East moratorium zone, particularly for residents living within the zone, but also for potential customers for the retail, service, dining and drinking establishments within the zone. A 2005 study conducted by the DCCA indicated that parking problems are worst on Friday and Saturday evenings. The Committee found no indicators that the parking situation had significantly improved or deteriorated since the 2005 survey was conducted.
- 2) Peace, Order and Quiet—Since the Dupont East moratorium was renewed, a potential parking solution has been codified by the District of Columbia. Institution of "Performance Parking" within the Dupont East moratorium zone and adjacent streets may promote retail and service establishments by setting parking meter prices at a rate that would leave a certain percentage of spaces available at all times; however, more research needs to be done in this area to confirm effectiveness and to study the drawbacks of instituting such a program.
- 3) Peace, Order and Quiet—On September 2, 2007, Police Serve Area 306 transferred from the 3rd Police District to the 2nd Police District, and now known as PSA 208. Following its transfer from the 3rd to 2nd Districts, police response time in Dupont Circle, including the Dupont East moratorium zone, decreased by 25.3% (1 minute, 14 seconds), positively impacting the peace, order and quiet of the neighborhood. The Committee finds that faster response times within the moratorium zone have had a positive effect on peace, order and quiet.
- 4) Peace, Order and Quiet—On February 11, 2009, a ban on single sales went into effect throughout Ward 2. This ban is designed to limit the number of single beer cans and bottles, malt liquor cans and bottles, and half-pint and pint liquor bottles in an attempt to reduce "quality of life" crimes. As of the date of this report, it is unknown what effect the ban has had on litter, public intoxication, nuisance crimes and other peace, order and quiet throughout the Dupont East moratorium zone. The Committee expects the ban to positively impact the peace, order and quiet of the neighborhood.
- 5) Peace, Order and Quiet—Club Chaos, to which a Class CR (restaurant serving full bar) was granted, had effectively "morphed" into a tavern or nightclub. The establishment, at the time of its closing, no longer met the requirements for a Class CR (restaurant serving full bar) license (that 45% of revenue be generated through the sale of food). Furthermore, the establishment routinely held events which required one or more entertainment endorsements, but had not received appropriate endorsements from ANC 2B or ABRA. The closing of Club Chaos has had a positive effect on the peace, order and quiet of the neighborhood.
- 6) Peace, Order and Quiet—There are 2,343 seats at ABC-licensed establishments within the Dupont East moratorium zone. Of those seats, 274 include seats that may be available due to seats removed from Komi (20) during its renovation, and unutilized seats at Club Chaos (198) and Java House (56). UPDATE: As of April 2009, Java House has expressed plans to begin wine service to its customers, so the seats attributed to Java House may no longer be counted as available or unused. Furthermore, prior to adding additional seats within the Moratorium Zone,

it may be prudent to utilize all of the available unused seats by redistributing them to licensees who are granted lateral expansions during this moratorium period.

- 7) Peace, Order and Quiet—The Dupont Circle Citizens Association commissioned a sound measurement on the 1500 block of 17th Street, NW in 2006. The test took place on Thursday, August 17, 2006, and was conducted by Willer, Beam & Paganelli, Inc. While the allowable DC Noise Code Level is 60 decibels, the measurement concluded the sound produced was 70 decibels, or twice the allowable limit, on the evening the sole measurement was taken.
- 8) Peace, Order and Quiet—There may exist within the Moratorium Zone an overconcentration of licensed establishments as approximately 50% of the commercial store frontage within the Zone is occupied by licensed establishments. The overconcentration of outdoor seating facing 17th Street between P and Q Streets, NW, is of particular concern to residents on the west side of 17th Street.
- 9) Retail and Service Diversity—On May 11, 2005—the hearing date for the last moratorium renewal—there was only one (1) vacant commercial property within the Dupont East Moratorium Zone: 1636 17th Street, NW. There currently exist within the Dupont East Moratorium Zone four (4) vacant commercial properties as of the date of submission. Another property, located at 1521 17th Street, remains vacant but has been leased to the owners of JR's Bar and Grill, which is located next door.
- 10) Retail and Service Diversity—The economic success of the street depends upon utilization of all tools available to encourage retail and service businesses within the moratorium zone, not simply on restricting or eliminating ABC licensing. The Committee was able to identify no efforts within the neighborhood to encourage expansion of retail and service other than renewal of the moratorium and study of a possible zoning overlay.
- 11) Economics—In the Spring of 2009, the District Department of Transportation (DDOT) is slated to begin a year-long 17th Street Revitalization Project, which will replace the road surface and sidewalks on 17th Street as well as all of the sidewalks along 17th Street in the Dupont East moratorium zone. A similar streetscape revitalization project along P Street in the Dupont West moratorium zone in 2008 led to four (4) businesses closing due to reduced economic activity during the streetscape, and several more closings can likely be attributed to the streetscape project.
- 12) Moratorium Alternative(s)—During the last Dupont East moratorium renewal process, ANC 2B formed a committee to explore the possibility of replacing the moratorium with a zoning overlay. After researching this possibility and working with the Office of Planning, ANC 2B determined that a zoning overlay would not achieve the desired effect on the street and that, under current law, the moratorium is the best solution available to protect retail and service diversity and protect the peace, order and quiet of the neighborhood.
- 13) Moratorium Alternative(s)—There is a desire by residents, businesses and stakeholder organizations to find a permanent solution to the Dupont East liquor moratorium which would preserve, protect and encourage the establishment of retail and service businesses within the moratorium zone without unduly restricting licensed establishments from locating within the moratorium zone.
- 14) Moratorium Alternative(s)—While the moratorium is effective keeping commercial space from becoming licensed establishments, the moratorium has no proactive impact in attracting retail and service to the Dupont East moratorium zone.
- 15) Moratorium Alternative(s)—There is a need to catalogue the regulatory and legal tools available

to the Commission, agencies and residents to impact which businesses are allowed to move to commercial corridors like 17th Street.

- 16) Neighborhood Enhancement—There has been a perennial problem of trash and rodents in the alley behind businesses on the east side of the 1500 block of 17th Street, NW. Businesses have no incentive to clean the alley or address rodent problems other than fear of enforcement by DC government agencies, which have historically been lax. Were businesses allowed to construct summer gardens which overlook Stead Park along said alley, the Committee would expect a positive impact on neighborhood aesthetics and a reduction in trash and rat problems, particularly if businesses purchase trash compactor(s) in said alley. Were summer gardens to be constructed overlooking Stead Park, the ratio of seats per square foot should not exceed the concentration of seats per square foot currently granted in public space along 17th Street within the Moratorium Zone.