

DISTRICT OF COLUMBIA  
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 ALCOHOLIC BEVERAGE CONTROL BOARD  
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 MEETING

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 IN THE MATTER OF:                   :  
   :  
 Glover Park Moratorium        : Public  
 Zone Renewal                    : Hearing  
   :  
 (Emergency Rulemaking)       :  
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Wednesday  
 May 25, 2022

The Alcoholic Beverage Control Board  
 met via WebEx videoconference, Chairperson  
 Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson  
 BOBBY CATO, JR., Member  
 RAFI ALIYA CROCKETT, Member  
 EDWARD S. GRANDIS, Member  
 JENI HANSEN, Member  
 JAMES SHORT, JR., Member

ALSO PRESENT:

SARAH FASHBAUGH, DC ABRA Staff  
 JACKIE BLUMENTHAL, ANC 3B

1 P-R-O-C-E-E-D-I-N-G-S

2 11:14 a.m.

3 CHAIRPERSON ANDERSON: The next case  
4 on our calendar is our public hearing on the  
5 Glover Park Moratorium Zone Renewal, emergency  
6 rulemaking.

7 And Ms. Fashbaugh, I believe, I'm not  
8 sure, I know that the only person who's signed up  
9 to testify today is Ms. Blumenthal. But, is  
10 there anyone else on this hearing today?

11 I'm sorry, is there anyone else out  
12 there who wishes to testify on the Glover Park  
13 Moratorium Zone Renewal?

14 If you are, please identify yourself  
15 in chat and I'll ask Ms. Fashbaugh to elevate  
16 their rights.

17 But, Ms. Fashbaugh, can you please  
18 elevate Ms. Jackie Blumenthal?

19 MS. FASHBAUGH: Chairperson, Jackie  
20 Blumenthal is the only person that is waiting in  
21 the room. So, she's elevated now.

22 CHAIRPERSON ANDERSON: All right.  
23 Thank you. Ms. Blumenthal, do you have a camera  
24 that you can turn on, ma'am?

25 I see that you're on my screen, but so

1 if you have a camera, can you turn your camera on  
2 and then identify yourself for the record,  
3 please?

4 MS. BLUMENTHAL: I'm trying to turn my  
5 camera on right now.

6 CHAIRPERSON ANDERSON: Thank you.

7 MS. BLUMENTHAL: Okay. Here I am.

8 CHAIRPERSON ANDERSON: All right.

9 Good morning. Can you identify yourself for the  
10 record, please, ma'am?

11 MS. BLUMENTHAL: Yes. My name is  
12 Jackie Blumenthal. I am the Vice Chair of ANC  
13 3B, and also the representative of ANC 3B02,  
14 which is the location of the commercial center in  
15 Glover Park.

16 My name is spelled J-A-C-K-I-E,  
17 Blumenthal B-L-U-M-E-N-T-H-A-L.

18 CHAIRPERSON ANDERSON: Good, all  
19 right, ma'am. All right. We're here today  
20 pursuant to D.C. Official Code Section 25354 to  
21 conduct a public hearing and receive testimony on  
22 a written request from Advisory Neighborhood  
23 Commission, ANC 3B, to extend the existing Glover  
24 Park Moratorium Zone, which is set to expire on  
25 June 10, 2022 pursuant to DCMR 23-308.

1                   On April 22, 2022, ANC 3B submitted  
2                   its petition to renew the current moratorium for  
3                   a period of three years. The ANC voted on April  
4                   14, 2022 four to zero, resolved four to zero with  
5                   all the commissioners present.

6                   The moratorium would retain the  
7                   prohibition on the issuance of new licenses for  
8                   the following retailer classes, CN, CT, DN, DT,  
9                   and DX.

10                   It is also my understanding that the  
11                   Glover Park Citizens Association, CPCA, voted to  
12                   support ANC 3B's recommendation at its regular  
13                   scheduled meeting on May 3, 2022.

14                   The Board already received interest  
15                   from the ANC to appear and testify at this  
16                   hearing. Therefore, Commissioner Blumenthal, the  
17                   floor is yours, followed by any questions from  
18                   the Board.

19                   Good morning, ma'am, again. You have,  
20                   I think you have maybe about five minutes. But,  
21                   since you're the only witness, we can -- you'll  
22                   have an extended period of time to state what you  
23                   need to put on the record, ma'am.

24                   MS. BLUMENTHAL: Thank you. I  
25                   submitted my testimony previously, hoping to save

1 time by not reading it to you.

2 So, you've stated our request  
3 accurately. We'd like to extend the moratorium  
4 for three more years, just on taverns and  
5 nightclubs, and the reasoning is in both the  
6 petition and -- and my testimony.

7 I am prepared to answer questions.  
8 Or, I can further describe why we want to do  
9 that.

10 CHAIRPERSON ANDERSON: Why don't you  
11 go ahead and for the -- I don't have your  
12 testimony in front of me.

13 And also, so we also can, so we can  
14 also create a public record, so you can maybe  
15 summarize your testimony and tell us why is it  
16 that we, you are requesting that the Board extend  
17 this moratorium for another three years, please?

18 MS. BLUMENTHAL: The basic reason that  
19 we're asking for the extension is that we had  
20 hoped, the last time we renewed was in 2015.

21 And at that point we dropped all -- we  
22 lifted the moratorium on everything but the  
23 taverns and the nightclubs, because we had  
24 managed over the period of time to stabilize our  
25 commercial area reasonably well.

1           The Glover Park commercial area backs  
2 up onto a residential area. It contains  
3 apartment buildings and condo buildings. So, we  
4 have always, there's been a struggle between, you  
5 know, livability and liveliness.

6           And right now we have a very good  
7 balance of goods and services in the commercial  
8 area. We've managed to, through the COVID  
9 downturns and shutdowns, we've managed to keep 20  
10 of our 24, I think it's 24, active licenses.

11           We have five vacancies, one of which  
12 will be filled this summer, which will give us 21  
13 active licenses. Our maximum has never been  
14 higher than 25.

15           And we just started a Glover Park Main  
16 Street, with the help of the Department of Small  
17 and Local Business Development. And that -- we  
18 had hoped to use that to attract more family-  
19 friendly restaurants to our neighborhood for our  
20 vacant properties.

21           But, COVID has interfered with all of  
22 that. And we would like the next three years to  
23 make up the deficit of time that we lost, trying  
24 to bring in more restaurants and not opening up  
25 our spaces to the potential of nightclubs and

1 taverns.

2 We are the home to a grandfathered  
3 nude club, which sits right in the middle of our  
4 commercial area. It's called the Good Guys  
5 Restaurant.

6 It is a very disruptive element in our  
7 commercial area. And is chiefly responsible for  
8 the ongoing disruption of the peace, order, and  
9 quiet here.

10 We had a tavern that shut down several  
11 years ago due to drug issues. And it was also a  
12 problematic space for us.

13 That space still remains open. And we  
14 are fearful that if by not being able to fill it  
15 with a restaurant, which we are trying to do, we  
16 could end up with the same problems that we had  
17 before.

18 And since we've -- the moratorium has  
19 really helped us grow and stabilize our  
20 commercial area. We would like to keep it for  
21 three more years to see if we can actually pull  
22 this off before we lift it entirely.

23 So, I guess that's a summary of my  
24 testimony. The community is pretty much all in  
25 favor of this.

1                   And I guess I would like to take  
2 questions instead of keep yammering on.

3                   CHAIRPERSON ANDERSON: No, that's  
4 fine. Yeah, I do have some questions. But, you  
5 can really you're trying to convince the Board to  
6 -- you're trying on behalf of the ANC, you're  
7 trying to convince the Board to extend the  
8 moratorium to ban, to continue to ban DT, CT, DN,  
9 CN, DX and CX licenses.

10                  And I guess one of the questions I'll  
11 ask you, it's -- and this is something that I  
12 found out myself during COVID, that there are  
13 some traditional restaurants that currently have,  
14 that are taverns.

15                  They're licensed class, or taverns  
16 that were shocking to me that when during COVID,  
17 when certain provisions were made for CTs, or I'm  
18 sorry, for CRs, that there are some  
19 establishments that I thought were restaurants,  
20 but their registered class stated that they were  
21 actually taverns.

22                  So, how would the addition of  
23 taverns/nightclubs in Glover Park impact peace,  
24 order, and quiet?

25                  I know that you talked about that you



1 had a -- you had a tavern that was responsible  
2 for concerns. But, they moved, but just you have  
3 that space available.

4 So, can you respond to that question?

5 MS. BLUMENTHAL: So, the reason that  
6 we're concerned about taverns in particular is  
7 that a tavern can choose to serve food and not  
8 just serve alcohol.

9 But, a restaurant can't avoid serving  
10 food, and therefore the effects of just alcohol  
11 are somewhat avoided.

12 Our experience has always been that  
13 places that only serve alcohol, tend to attract  
14 patrons who are more prone to inebriation, more  
15 prone to rowdy behavior.

16 And that places that start out to be  
17 restaurants, end up being restaurants that serve  
18 alcohol. And so you have a much more sociable  
19 approach that isn't as disruptive to the peace,  
20 order, and quiet.

21 The other concern we have, is that  
22 some of our restaurants that we're trying to  
23 support, often have trouble making their food  
24 alloca -- their food, however they have to prove  
25 how much food they sell in relation to their

1 alcohol.

2 And we don't want to give them any  
3 reason to switch to a tavern license so that they  
4 no longer have to serve food.

5 We are working very hard to support  
6 all of our businesses here through our Main  
7 Street Program. And as I said, we did keep them  
8 almost all afloat through COVID, which is, we  
9 were very proud of.

10 So, we would like to have a commercial  
11 center that reflects our neighborhood, which is  
12 more family friendly by the minute. More babies  
13 and more children every day.

14 CHAIRPERSON ANDERSON: Now, tell me  
15 what's the public transportation system in your,  
16 in this neighborhood?

17 MS. BLUMENTHAL: We have terrible  
18 public transportation. We have one bus line that  
19 runs up and down Wisconsin Avenue, no metro  
20 access.

21 Very difficult to get to. And we have  
22 very few parking opportunities as well.

23 CHAIRPERSON ANDERSON: Okay. So, you  
24 have -- you just answered my question. So,  
25 you're saying that parking is -- as was mentioned

1 in the, in the curb there.

2 MS. BLUMENTHAL: Yep. The only place  
3 you can park is in the neighborhood.

4 CHAIRPERSON ANDERSON: So, you're  
5 saying that you believe that if we were to -- if  
6 we were to extend this moratorium for another  
7 three years, that you believe that the ANC might  
8 at some point change its position regarding the  
9 moratorium?

10 MS. BLUMENTHAL: Yes.

11 CHAIRPERSON ANDERSON: Is that where  
12 you're going?

13 MS. BLUMENTHAL: Yes. We had hoped to  
14 be able to lift it this time. But, the concern  
15 is that we have two large properties right now  
16 that are vacant.

17 One of them is long term, because it's  
18 a, a tear down. So, it's going to be a major  
19 investment to do that.

20 But, another one is a really great  
21 restaurant spot. And we would like the time to  
22 be able to continue to develop our neighborhood  
23 the way that the residents nearby want it to be.

24 It's, you know, it's a neighborhood  
25 commercial center. It's not -- it's only three

1 blocks long. And we already have one highly  
2 disruptive club in this spot already.

3 So, we just would like the time to do  
4 what we had hoped to do in the past two and a  
5 half years that were lost to COVID, to finish our  
6 effort to improve the neighborhood, attract new  
7 businesses, and reflect the family-friendly  
8 nature of our neighborhood in the filling of the  
9 vacant properties.

10 CHAIRPERSON ANDERSON: Yes, by the  
11 response you just made, my next question I was  
12 going to ask you was, does the ANC anticipate any  
13 change in circumstances that would change your  
14 position regarding taverns and nightclubs?

15 But, I -- I think you just answered  
16 that, that question in stating that you -- well,  
17 let me not put words in your mouth. You maybe  
18 can answer the question right here.

19 MS. BLUMENTHAL: Well sure. I mean,  
20 what's going to be the change in circumstances,  
21 is filling the vacant properties.

22 And the other thing would be if we  
23 could ever figure out what the, how to calm the  
24 situation at Good Guys Club, that would help a  
25 lot too.

1                   And I note the Board is engaged right  
2 in the moment in a case regarding guns that were  
3 drawn inside Good Guys. And I'm hoping that, you  
4 know, you will help us work together to calm that  
5 situation.

6                   It's, you know, it's right now very  
7 dangerous over there. And it's right in the  
8 middle of our commercial center.

9                   So -- so, those are the kinds of  
10 things that would make a difference going  
11 forward.

12                   CHAIRPERSON ANDERSON: Thank you,  
13 ma'am. Any other questions by any Board Members?

14                   MEMBER SHORT: Yes, Mr. Chair.

15                   CHAIRPERSON ANDERSON: Go ahead, Mr.  
16 Short.

17                   MEMBER SHORT: Ms. Blumenthal, thank  
18 you for coming out today. And the question that  
19 I'm going to ask is somewhat similar to the  
20 peace, order, and quiet that the Chairman  
21 referred to.

22                   Can you describe for the Board and for  
23 the record, what Glover Park comprises of  
24 percentagewise, let's say residential versus  
25 business?

1 MS. BLUMENTHAL: I'm not sure I  
2 understand the question. You want too under --  
3 you want to know how much residential area --

4 MEMBER SHORT: Yes, percentagewise,  
5 percentagewise for Glover Park, --

6 MS. BLUMENTHAL: Uh-huh.

7 MEMBER SHORT: What is the percentage  
8 of businesses versus the percentage of residence?

9 MS. BLUMENTHAL: Well, we're about ten  
10 --

11 MEMBER SHORT: Just in relation --

12 MS. BLUMENTHAL: There's about ten  
13 thou --

14 MEMBER SHORT: Between them.

15 MS. BLUMENTHAL: Sorry, excuse me. I  
16 was going to say, there's about ten thousand  
17 residents that live in the Glover Park area. And  
18 our commercial area has 52 store fronts.

19 MEMBER SHORT: Thank you. Thank you,  
20 Ms. Glover. That's all I have, Mr. Chair.

21 CHAIRPERSON ANDERSON: Thank you, Mr.  
22 Short. Any other questions by any other Board  
23 Members?

24 MEMBER GRANDIS: Mr. Chairman?

25 CHAIRPERSON ANDERSON: Yes, Mr.

1 Grandis?

2 MEMBER GRANDIS: Thank you, sir.

3 Again, thank you for your presentation today.

4 Could you help enlighten me a bit regarding the  
5 life of this moratorium?

6 Do you know the first year that I went  
7 into effect?

8 MS. BLUMENTHAL: 1994. (Laughing)

9 MEMBER GRANDIS: Okay. But, the  
10 original one, was it just for taverns and  
11 nightclubs then? Or was it different?

12 MS. BLUMENTHAL: No. The original one  
13 was for every license. No licenses could be  
14 issued.

15 And in subsequent renewals, we lifted  
16 a little by little, by little, by little. And in  
17 our last, in 2015, we only had the moratorium for  
18 taverns and nightclubs.

19 MEMBER GRANDIS: And today then, under  
20 the moratorium, how many CTs are currently  
21 operating in the --

22 MS. BLUMENTHAL: We don't have any.

23 MEMBER GRANDIS: No CTs?

24 MS. BLUMENTHAL: No. But when -- in  
25 2015 we had one. And we had -- we had just lost

1 -- we used to have two nude clubs here. And we  
2 just lost one in 2014 due to drug trafficking.

3 MEMBER GRANDIS: That would be a CN.

4 MS. BLUMENTHAL: Yeah, I know. I'm  
5 just adding --

6 MEMBER GRANDIS: Okay. I don't -- I  
7 don't think a CT and a CN are the --

8 MS. BLUMENTHAL: You're right. You're  
9 right.

10 MEMBER GRANDIS: In the location. So,  
11 educate me, you're saying that there currently is  
12 a moratorium on no new CTs, even including a CR  
13 that would like to, because of whatever their  
14 reasoning is, they can't change stripes and  
15 petition to be a CT based on the current language  
16 in the moratorium, correct?

17 MS. BLUMENTHAL: That is correct.

18 MEMBER GRANDIS: So, you -- you made  
19 some statements that I may have misinterpreted.  
20 But, it seems like a CT on its face is a  
21 problematic establishment?

22 MS. BLUMENTHAL: That has been our  
23 experience, yes.

24 MEMBER GRANDIS: I guess we should  
25 invite Cheers to come and educate all CTs on how



1 to operate a neighborhood tavern.

2 But seriously, you mentioned in your  
3 testimony, putting COVID aside, because we all  
4 know how disruptive that has been at every level  
5 of our society.

6 But, putting that aside, there are  
7 restaurants that have a challenge in meeting the  
8 food/alcohol requirement?

9 MS. BLUMENTHAL: Yes, in recent years,  
10 because of the COVID thing and, you know, and the  
11 downturn of commercial traffic.

12 We had a Whole Foods here that brought  
13 people to the neighborhood, but it was closed for  
14 the past five years. And it's just reopened.

15 So, we're at a place now where we had  
16 hoped to be two, two and a half years ago. And  
17 we just need to build ourselves back up a bit  
18 before we let it all go.

19 MEMBER GRANDIS: And you don't, you  
20 don't feel comfortable with a current CR that may  
21 have a good clientele, have a neighborhood  
22 clientele, but that they really struggled to meet  
23 the food/alcohol, you don't think there's ways to  
24 build into that process if they came to the ANC  
25 to petition, I'm being hypothetical, because the

1 moratorium says no now.

2           And I'm not suggesting that that -- my  
3 hypothetical says that I'm going one way or the  
4 other. But, from your perspective, because I  
5 know you know your neighborhood, and you go  
6 around your neighborhood and you collect  
7 information.

8           So, you don't think that there are  
9 current establishments that really the  
10 neighborhood does support, but for whatever  
11 reason, with the number of tables, or whatever  
12 reason, they really have a challenge in making  
13 the food/alcohol, you don't believe if they were  
14 to petition the ANC, the ANC could write a  
15 settlement agreement that addressed the concerns  
16 that are legitimate that you do have?

17           MS. BLUMENTHAL: Yes and no. You  
18 know, settlement agreements are compromises. And  
19 we've all -- we all know everything about them.

20           And they work better for the licensee  
21 than they do for the neighborhood, because they  
22 depend on enforcement. And ABRA's got an awful  
23 lot of enforcement to do all over the city.

24           So, you know, our feeling is if we  
25 don't have to take that risk right now, we prefer

1 not to. We are not asking for the moon. We are  
2 just asking for three more years.

3 MEMBER GRANDIS: Okay. And just for  
4 the record, I was on the Dupont Circle ANC in  
5 1988 and forward, when John Ray was the person  
6 who introduced the moratorium language.

7 MS. BLUMENTHAL: Uh-huh.

8 MEMBER GRANDIS: And as soon as it was  
9 introduced, I think we at Dupont tried to beat  
10 Georgetown, but we didn't, to get moratoriums.  
11 But, we ended up with two. And I was supportive  
12 of those two.

13 Over the years that I've been involved  
14 in my neighborhood, and now on the Board, I'm  
15 concerned about the generational aspect of these  
16 types of policies.

17 But, I do understand the need for  
18 them. I'm just sharing, because I think I did  
19 have an intimate relationship in promoting and  
20 understanding how these moratoriums work.

21 And I want to thank you for your  
22 testimony.

23 MS. BLUMENTHAL: Thank you.

24 CHAIRPERSON ANDERSON: Just as an  
25 aside and seeing something, why -- why was a

1 supermarket, the Whole Foods, why was that closed  
2 for five years?

3 MS. BLUMENTHAL: So, it was closed  
4 originally because we had a rat explosion here.  
5 And they were -- (inaudible) it's the shut --  
6 shutdown to renovate.

7 And the landlord decided to use that  
8 as a way to leverage a new lease and a higher  
9 rate. Because they had originally started out  
10 with a really long term lease.

11 And the landlord wanted to do that.  
12 And they ended up in this massive lawsuit for  
13 five years, which ended with both of them paying  
14 their own legal fees and Whole Foods getting the  
15 same lease terms that it had before.

16 It was a complete waste of everybody's  
17 time.

18 CHAIRPERSON ANDERSON: That's  
19 unfortunate. But, I'm glad that, as you stated,  
20 that you'll be having a, that supermarket back in  
21 the neighborhood.

22 So, I'm glad to hear that.

23 MS. BLUMENTHAL: Thank you.

24 CHAIRPERSON ANDERSON: All right. Any  
25 other questions by any other Board Members?

1 (No response)

2 CHAIRPERSON ANDERSON: All right.  
3 Hearing no other questions, I am not -- I don't  
4 have any notations to see how long this, the  
5 comment period will remain open.

6 But, I -- the Board -- sorry. Oh,  
7 that's it, yeah. All right. Thank you very much  
8 for your testimony today.

9 We will issue a decision on our -- at  
10 our June 8, 2022 meeting, whether or not we'll  
11 grant the moratorium for another three years as  
12 requested by -- well, let me ask this question.

13 I just want to ask quickly as a  
14 question. If the Board wants to consider a five  
15 year moratorium, what would you think about that?

16 MS. BLUMENTHAL: Oh, that would be  
17 great. But, we -- we have always operated under  
18 the impression that our goal was to lift the  
19 moratorium.

20 And slow -- and we did, period after  
21 period, after period, after period. So, that's  
22 why we're only asking for three years.

23 We could use five years. But, we're  
24 just trying to be, you know, adhere to the plan  
25 of the moratorium idea.

1                   CHAIRPERSON ANDERSON: All right.  
2 Thank you very much. Yes, as I said before, then  
3 we will issue a decision at our next meeting.  
4 And our next meeting will be June 8, 2022.

5                   All right.

6                   MS. BLUMENTHAL: Thank you.

7                   CHAIRPERSON ANDERSON: So, thank you  
8 for your presentation this morning. And have a  
9 great day.

10                  MS. BLUMENTHAL: You too.

11                  CHAIRPERSON ANDERSON: All right.

12 What I'm going to -- what I'm going to do now,  
13 we're at the end of our morning session.

14                  However, I'm going ask the Board, I'm  
15 going to go off the record for about ten minutes.  
16 And I'm going to ask the Board Members to return  
17 to executive session.

18                  And so, we're off the record for ten  
19 minutes for the Board to go on, go into executive  
20 session. And we will return at 11:15.

21                  All right. Thank you.

22                  (Whereupon, the above-entitled matter  
23 went off the record at 11:40 a.m.)

24

25

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In the matter of: Glover Park Moratorium

Before: DC ABRA

Date: 05-25-22

Place: teleconference

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