

**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)) (2012 Repl.), and in accordance with section 6(c) of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)) (DC APA), hereby gives notice of the its intent to amend section 304 (Adams Morgan Moratorium Zone) of chapter 3 (Limitations on Licenses) of title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations on an emergency basis. Specifically, the emergency rulemaking extends the existing Adams Morgan Moratorium Zone (AMMZ) for one hundred and twenty (120) days to maintain the current limit on the number of retailer’s licenses issued in Adams Morgan.

The existing moratorium is scheduled to expire on February 6, 2023. On January 7, 2023, the Board received a resolution from Advisory Neighborhood Commission (ANC) 1C requesting a ninety (90) day extension of the expiring moratorium to inform and consult with the residents of Adams Morgan regarding the future of the moratorium. The resolution was adopted by ANC 1C at a duly noticed public meeting held on January 4, 2023, by a vote of seven (7) to zero (0).

The Board finds it necessary to take emergency action to extend the Adams Morgan Moratorium Zone. The Board has concluded that the appropriateness considerations that justified the prior moratorium, pursuant to D.C. Official Code § 25-351(a), likewise indicate that a temporary extension is in the public interest. The additional time granted under the emergency rules will allow ANC 1C to hear from its constituency and to arrive at a conclusion that reflects the consensus of the community. Taking emergency action at this time will preserve the protections afforded by the moratorium. Additionally, it will serve to promote the health, safety, and welfare of the community until further action can be taken by the Board by: (1) ensuring that the limitations placed on the issuance of new retailer’s licenses are maintained; and (2) keeping the existing moratorium in place until the Board determines the moratorium’s future.

On February 1, 2023, the Board adopted the Adams Morgan Moratorium Zone Notice of Emergency Rulemaking, by a vote of six (6) to zero (0), and it became effective on that date. These emergency rules will remain in effect for no longer than one hundred and twenty (120) days, expiring June 1, 2023, unless superseded.

**Chapter 3, LIMITATIONS ON LICENSES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:**

**304. ADAMS MORGAN MORATORIUM ZONE**

304.1 No new Retailer's License Class CN, CT, CX, DN, DT, or DX shall be issued for

a period of one hundred and twenty (120) days from the effective date of this section in the area that extends approximately eighteen hundred (1800) feet in all directions from 2459 18<sup>th</sup> St., N.W., Washington, D.C. 20009. This area shall be known as the Adams Morgan Moratorium Zone.

304.2 The Adams Morgan Moratorium Zone is more specifically described as beginning at 18<sup>th</sup> Street and Vernon Street, NW; and proceeding on both sides of all streets, unless otherwise noted; West on Vernon Street to 19<sup>th</sup> Street; Northwest on 19<sup>th</sup> Street to Wyoming Avenue; Southwest on Wyoming Avenue to 20<sup>th</sup> Street; Northwest on 20<sup>th</sup> Street to Belmont Road; West on Belmont Road to Waterside Drive; North on Waterside Drive to Allen Place; East on Allen Place to 20<sup>th</sup> Street; North on 20<sup>th</sup> Street to Biltmore Street; North on Biltmore Street to Calvert Street; East on Calvert Street to Lanier Place; Northeast on Lanier Place to Adams Mill Road; Northwest on Adams Mill Road, and then Northeast to Ontario Road; East on Ontario Road to Lanier Place; Northeast on Lanier Place to Quarry Road; Southeast on Quarry Road to Columbia Road; Northeast on Columbia Road to Mozart Place; South on Mozart Place to Euclid Street; East on Euclid Street to 16<sup>th</sup> Street; South on the West side of 16<sup>th</sup> Street to Florida Avenue; Southwest on Florida Avenue to U Street, and West on U Street to 18<sup>th</sup> Street, Washington, D.C.

304.3 The following license classes shall be exempt from the Adams Morgan Moratorium Zone:

- (a) All restaurants, whether present or future;
- (b) All hotels, whether present or future; and
- (c) Retailer's licenses Class A and B.

304.4 The number of Retailer's licenses Class CT, CX, DT, or DX located within the Adams Morgan Moratorium Zone shall not exceed ten (10). The number of Retailer's licenses Class CN or DN shall not exceed zero (0). The holder of a Retailer's license Class CR or DR located within the Adams Morgan Moratorium Zone shall be prohibited from changing its license class except when the number of Retailer's licenses Class CT, CX, DT, or DX in the Adams Morgan Moratorium Zone is fewer than ten (10). Nothing in this subsection shall prohibit the Board from approving a change of license class application that was filed with the Board by the holder of a Retailer's license Class CR or DR located within the Adams Morgan Moratorium Zone prior to August 2, 2006.

304.5 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a retailer's license Class CR, CT, CX, DR, DT, and DX within the Adams Morgan 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.

- 304.6 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the Adams Morgan Moratorium Zone to a new location within the Adams Morgan Moratorium Zone.
- 304.7 A license holder outside the Adams Morgan Moratorium Zone shall not be permitted to transfer its license to a location within the Adams Morgan Moratorium Zone, unless exempt by § 304.3.
- 304.8 Nothing in this section shall prohibit a valid protest of any transfer or change of a license class.
- 304.9 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.
- 304.10 This section shall expire on June 1, 2023, or until superseded by final rulemaking, whichever occurs first.