

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

NOTICE OF EMERGENCY RULEMAKING

The Alcoholic Beverage and Cannabis Board (“Board”), pursuant to the authority set forth in D.C. Official Code § 25-351(a), 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)), hereby gives notice of the adoption, on an emergency basis, of amendments to section 311 (Langdon Park Moratorium Zone) of chapter 3 (Limitations on Licenses) of title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations. Specifically, this emergency rulemaking renews the Langdon Park Moratorium Zone (“LPMZ”) for one hundred and twenty (120) days to prevent its expiration on June 12, 2024.

On March 20, 2024, ANC 5C submitted a resolution requesting that the Board renew the moratorium for three (3) years, maintain the prohibition on issuing new Retailer Class CN or DN (Nightclub) licenses, but increase the number of allowable Retailer Class CX or DX (Multi-purpose) licenses. ANC 5C also requested that the Board remove the prohibition on Entertainment Endorsements issued to Retailer Class CR or DR (Restaurant) licensees, and the Board consider renaming the moratorium zone to better reflect the neighborhoods covered by the moratorium. The resolution was adopted by the ANC at a duly noticed public meeting held on March 20, 2024, by a vote of six (6) to zero (0).

On June 12, 2024, the Board found it necessary to take further emergency action to extend the LPMZ. The Board 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 the Board to review and consider the ANC resolution and related testimony. Taking emergency action 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 June 12, 2024, the Board adopted the Langdon Park Moratorium Zone Notice of Emergency Rulemaking, by a vote of three (3) to zero (0), and it became effective on that date. These emergency rules will remain in effect for one hundred and twenty (120) days, expiring October 10, 2024, unless earlier superseded.

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

311 LANGDON PARK MORATORIUM ZONE

311.1 The number of retailer’s licenses class CN and CX permitted in the Langdon Park Moratorium Zone, which extends approximately six hundred feet (600 ft.) in all

directions from the intersection of Bladensburg Road, N.E. and 24th Place, N.E., Washington, D.C., shall not exceed three (3). No new entertainment endorsements for class CR and CT retailer's licenses shall be issued in the moratorium zone.

- 311.2 The Langdon Park Moratorium Zone is more specifically described as the area bounded by a line beginning at the 2200 block of 24th Place, N.E.; continuing in a northeast direction to the 2200 block of 25th Place, N.E.; continuing east to the 2400 block of Bladensburg Road N.E.; continuing in a southeast direction to the 2800 block of V Street N.E.; continuing southwest along the north side of the 2700 block of New York Avenue, N.E. to the 2000 block of Bladensburg Road, N.E.; continuing in a northwesterly direction to the 2200 block of Adams Place, N.E.; continuing north to the 2100 block of Queens Chapel Road, N.E.
- 311.3 All hotels, whether present or future, shall be exempt from the Langdon Park Moratorium Zone.
- 311.4 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a retailer's license class CN or CX within the Langdon 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.
- 311.5 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the Langdon Park Moratorium Zone to a new location within the Langdon Park Moratorium Zone.
- 311.6 A license holder outside the Langdon Park Moratorium Zone shall not be permitted to transfer its license to a location within the Langdon Park Moratorium Zone.
- 311.7 Nothing in this section shall prohibit a valid protest of any transfer or change of license class.
- 311.8 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.
- 311.9 This section shall expire three (3) years after the date of publication of the notice of final rulemaking in *D.C. Register*.