

**ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

NOTICE OF FINAL 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 its adoption of the following 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 rulemaking renews, renames, and modifies the Langdon Park Moratorium Zone (LPMZ) as described below.

Background

On March 20, 2024, Advisory Neighborhood Commission (“ANC”) 5C submitted a resolution requesting that the Board renew the Langdon Park 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) and Retailer Class CT or DT (Taverns) licensees, and that the Board consider renaming the moratorium zone to better reflect the neighborhoods covered by the moratorium. Finally, ANC 5C requested that the Board apply the moratorium to medical cannabis facilities located in the proposed zone. The resolution was adopted by the ANC at a duly noticed public meeting held on March 20, 2024, by a vote of six to zero.

In response to the ANC’s request, the Board sent notice to those required to receive notice in accordance with Title 25 of the D.C. Official Code and scheduled a public hearing on the requested renewal of the Langdon Park moratorium. Notice of the hearing was published in the *District of Columbia Register* on May 3, 2024, at 71 DCR 5074, and the hearing was held on June 5, 2024 (A summary of the testimony presented at the hearing is provided in the next section of this notice).

Given the then-pending expiration of the existing moratorium, the Board, on June 12, 2024, adopted the Langdon Park Moratorium Zone Notice of Emergency Rulemaking, by a vote of three to zero. The emergency rulemaking temporarily extended the moratorium. The rulemaking described the moratorium zone as extending approximately 600 feet from the intersection of Bladensburg Road, N.E. and 24th Place, N.E., and relied on a verbal description to describe the boundaries of the moratorium zone. Although the Notice of Emergency Rulemaking was not published in the *District of Columbia Register*, the rulemaking was posted to the website of the Alcoholic Beverage and Cannabis Administration (“ABCA”) on June 12, 2024, while the rulemaking underwent approval certification for publication.

The additional time granted under the emergency rules allowed the Board to further review and consider the ANC resolution and related testimony.

Thereafter, on October 9, 2024, the Board adopted the Gateway/Langdon Park Moratorium Zone Notice of Emergency and Proposed Rulemaking, by a vote of three to zero. The emergency rulemaking superseded the emergency rulemaking that the Board adopted on June 12, 2024, renamed the moratorium zone to the Gateway/Langdon Park Moratorium, renewed the moratorium for three years, maintained the cap of three permitted licenses for Retailer Class CN/DN (Nightclubs), lifted the cap on Retailer Class CX/DX (Multipurpose Facilities) and removed the prohibition on entertainment endorsements for Retailer Class CR/DR (Restaurants) and CT/DT (Taverns). Although the Notice of Emergency Rulemaking was not published in the *District of Columbia Register*, the rules were published on ABCA's website on October 9, 2024.

To avoid a lapse in the new moratorium while the rulemaking underwent the public comment process, and to clarify certain provisions in the rulemaking, the Board on February 5, 2025, adopted a Second Emergency and Proposed Rulemaking, by a vote of five to zero. The emergency and proposed rulemaking kept the moratorium in place but replaced § 311.3, added a new § 311.4, and renumbered the other provisions in Section 311 accordingly. These changes clarified the specific area covered by the moratorium by relying on a map instead of a textual description of the moratorium zone. These changes will make it easier for the public to determine whether a proposed or existing business falls within the moratorium zone. Additionally, in a change from prior versions of this rulemaking, the Board selected 2135 Queens Chapel Road, N.E., as the focus of the moratorium, which is the location of Ekho Events, Inc., t/a Echostage, ABRA License No. 090250, holder of a Retailer's Class CN License, located at 2135 Queens Chapel Road, N.E., in order to ensure the rules comply with D.C. Official Code § 25-352(b). The Second Notice of Emergency and Proposed Rulemaking was to remain in effect for one hundred and twenty (120) days and expire on June 5, 2025. The notice was published in the *District of Columbia Register* on June 6, 2025 at 72 DCR 006517. No public comments were received.

To avoid a lapse in the new moratorium while the rulemaking remained under consideration by the Board and during the Council rulemaking review process, on June 4, 2025, the Board, in a five to zero vote, approved a Notice of Third Emergency Rulemaking to maintain the moratorium in place. The Third Notice of Emergency Rulemaking was to remain in effect for one hundred and twenty (120) days and expire on October 1, 2025. The notice was published in the *District of Columbia Register* on October 31, 2025 at 72 DCR 012186.

Public Testimony

At the hearing held by the Board on June 5, 2024, the Board received written or oral testimony from the following individuals concerning the Langdon Park moratorium rulemaking:

Jacqueline Manning, Chair of ANC 5C, on behalf of her ANC testified that the Langdon Park Moratorium Zone has been in effect since 2017, and it caps or prohibits certain alcoholic beverage licensing for ABC establishments located in the Langdon and Gateway neighborhoods. Ms. Manning testified that several nightlife establishments continue to create a consistent and

undue burden on the community, disrupting the peace, order and quiet of the residential areas. She stated that patrons of the nightclubs also monopolize the available residential parking as well as contribute to litter, public intoxication, and crime. Ms. Manning also testified that even for those establishments that hire police officers to provide security through the Metropolitan Police Department Reimbursable Detail Program, the patrons far outnumber security, thus creating challenging situations regarding crowd control and traffic patterns and parking.

As a result of the concerns raised above, Commissioner Manning requested that the Board renew the moratorium for a period of three years, and that the Board maintain the cap on nightclubs, lift the cap on multipurpose facilities, and remove the prohibition on entertainment endorsements for restaurants and taverns. Additionally, Ms. Manning testified that the ANC would like the moratorium applied to medical cannabis licensees. In its resolution in support of the moratorium, ANC 5C indicated that moratorium has allowed for the growth of other community serving businesses. Lastly, Ms. Manning testified the ANC was seeking a new name for the moratorium to adequately describe the geographic area covered by the moratorium.

Gilbert Smith, President of the Gateway Community Association (GCA), provided testimony related to the factors under consideration. In particular, related to the negative impact on real property values, the Mr. Smith stated that residents have experienced an increase in insurance rates due to crime, such as break-ins, car thefts, and shootings. On the matter of peace, order, and quiet, Mr. Smith stated that the operations of nightclubs are tied to an increase in noise, trash, and litter. On the matter of residential parking and traffic safety, Mr. Smith stated that nightclub patrons are taking residential parking and forcing residents to park far away from their homes. Mr. Smith stated that GCA is further concerned that granting additional alcohol licenses would lead to overconcentration and have a negative impact on the many children that patronize local daycare centers and schools.

Matthew Cronin, Vice President of Glow, D.C. also testified. Glow, D.C. operates a number of venues within the District of Columbia, to include Echostage, located at 2135 Queens Chapel Road, N.E. Mr. Cronin noted the oddity of testifying in support of the moratorium request as the owner of an ABC establishment. He indicated that Echostage has been operating in the moratorium zone for 13 years and that they work very closely with the ANC to mitigate the negative impact on the community. As a result, Mr. Cronin stated, they 1) have installed sound and noise containment, 2) fund trash pick-up in the absence of a business improvement district, 3) secure the presence of six reimbursable detail officers for every night the venue is operating, and 4) assist with traffic and parking. Mr. Cronin further testified that Echostage is the only licensee to take on these mitigation efforts and solely at their own costs and that no other establishment is assisting with security, trash, or noise issues. Mr. Cronin expressed concern that adding additional medical cannabis facilities would only serve to exacerbate the concerns and impact to the community.

Board Decision

The Board takes the decision to renew and modify a moratorium seriously and strives to strike a balance to ensure the peace, order, and quiet of the neighborhood, while not inadvertently impeding economic growth and commercial development in the designated area. In reaching its

decision, the Board gave great weight to the written recommendations of ANC 5C as required by Section 13(d)(3) of the Advisory Neighborhood Councils Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3)).

The Board originally adopted the Langdon Park Moratorium Zone in 2017 because ABC-licensed establishments in the area contributed to litter, loud noise, and loss of parking availability on residential streets. Seven years later, many of those concerns remain, as evidenced by the testimony provided at the public hearing. For instance, patrons parking in the residential neighborhood prevents residents and their guests from parking in front of or near their homes. Additionally, patrons departing licensed establishments to return to their vehicles late at night often disrupt residents in their homes.

For these reasons, the Board finds it appropriate to continue the moratorium. Doing so will prevent the further overconcentration of licensed establishments from exacerbating issues facing the community by attracting more patrons to the community. To address the question of what a renewed moratorium will look like, the Board examined each of the modifications requested by the proponents of the moratorium's renewal.

The Board agrees with the ANC's recommendation to renew the moratorium for an additional three years. The Board notes that the District of Columbia and its neighborhoods are not stagnant, but rather growing and changing at a rapid pace. The three-year timeframe allows flexibility for the Board and neighborhood to respond to changing circumstances that may warrant further modifications in the nearer term, rather than locking in the moratorium for a more extended period. The Board therefore finds that it is in the best interest to review the merits of the moratorium after three years.

Likewise, the Board supports the request from the ANC to limit the number of Retailer Class CN/DN (Nightclubs) licenses to three, and to lift the cap on Retailer Class CX/DX (Multipurpose) licenses. The Board agrees with the ANC that retaining the cap on Nightclubs while lifting the cap on Multipurpose facilities will help to attract the type of businesses that contribute to the development of cultural activities while limiting the number of businesses that primarily promote the consumption of alcohol and often result in negative external impacts.

The Board concludes that eliminating the cap on Multipurpose licenses will have a minimal negative impact on the issues facing the community. As noted in D.C. Official Code § 25-113(g)(1), multipurpose facilities by law are limited to "legitimate theaters, universities, museums, conference centers, art galleries, facilities for the performance of sports, cultural, or tourism-related activities, and to indoor parks, buildings, and facilities that primarily serve as recreational playgrounds or workspaces." D.C. Code § 25-113(g)(1). Therefore, there is a low risk that businesses and institutions operating under the license will have a negative impact on the community where their business models are not likely to focus on late night alcohol service or generate inebriated crowds. Therefore, the Board agrees with the ANC that lifting the cap on multipurpose facilities will not have a negative impact on the community.

The Board also agrees with the ANC recommendation to remove the prohibition on Retailer Class CR/DR (Restaurants) and Retailer CT/DT (Taverns) obtaining Entertainment

Endorsements. As noted in the testimony provided by the ANC, ABCA's protest process provides safeguards for protestants to address concerns associated with entertainment endorsements. More importantly, the protest process may result in a decision that limits the time, place, and manner of entertainment, including the location of performances, the location of speakers, and the hours of entertainment. Therefore, the Board agrees to remove the restriction on these types of licenses.

The Board does not agree with the proponents' proposal to apply a moratorium on medical cannabis licensees. While not unsympathetic to their concerns, the Board does not have the authority to impose a moratorium on medical cannabis facilities under the District's alcohol moratorium rules. The Board advises the public that a moratorium request related to medical cannabis licenses may be filed separately under Chapter 16B of Title 7 of the D.C. Official Code and Title 22-C of the D.C. Municipal Regulations.

Lastly, the Board agrees to rename the moratorium zone to better reflect the area covered by the moratorium. Both the ANC and the GCA recommended that the name be changed to Arboretum/Gateway/Langdon Park. The Board agrees to the renaming of the moratorium zone and believes Gateway/Langdon Park best reflects the geographical area covered by the moratorium zone.

Final Rulemaking

On June 4, 2025, the Board voted to submit its proposed final rules to the Council for its review and approval pursuant to D.C. Official Code § 25-211(b)(1). Thereafter, on September 23, 2025, the Mayor, in accordance with D.C. Official Code § 25-211(b)(1), transmitted the proposed final rules to the Council for its review and approval pursuant to the Gateway/Langdon Park Moratorium Zone Rulemaking Approval Resolution of 2025.

In accordance with D.C. Official Code § 25-211(b)(2), and in consequence of the Council not having taken action to approve or disapprove the proposed final rules before the end of the 90-day review period provided by D.C. Official Code § 25-211(b)(2), the proposed final rules were deemed approved by the Council on January 15, 2026. As such, the rules are now ripe for the Board to take final action. Therefore, on January 16, 2026, the Board voted three (3) to zero (0) to adopt the rules as final.

The rules will take effect five (5) days after this Notice of Final Rulemaking is published in the *District of Columbia Register*.

The final rules approved by the Board are as follows:

Section 311, LANGDON PARK MORATORIUM ZONE, of Chapter 3, LIMITATIONS ON LICENSES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is renamed and amended to read as follows:

311 GATEWAY/LANGDON PARK MORATORIUM ZONE

- 311.1 The number of retailer's licenses class CN and DN permitted in the Gateway/Langdon Park Moratorium Zone, which extends approximately six hundred feet (600 ft.) in all directions from 2135 Queens Chapel Road, N.E., as specifically depicted in § 311.3, shall not exceed three (3).
- 311.2 On-premises retailer's licenses, class CN and DN, in the Gateway/Langdon Park Moratorium Zone shall be prohibited from expanding their licensed premises to adjacent properties or lots, except for the purpose of increasing onsite parking.
- 311.3 The Gateway/Langdon Park Moratorium Zone is specifically described as the area bounded by the line on the following map, which extends approximately six hundred feet (600 ft.) in all directions from Ekho Events, Inc., t/a Echostage, ABRA License No. 090250, holder of a Retailer's Class CN License, located at 2135 Queens Chapel Road, N.E., including portions of Adams Place, N.E., Queens Chapel Road, N.E., Bladensburg Road, N.E., 24th Place, N.E. and 25th Place, N.E.



For assistance with reading or reviewing this map, please contact ABCA at 202-442-4423 or abca.director@dc.gov.

- 311.4 A proposed or existing licensed establishment shall be deemed within the moratorium zone described in this section if any portion of a property line of the premises falls within the area bound by the line or touches the line drawn in § 311.3. The moratorium zone does not include any area or property located entirely outside the boundary lines.
- 311.5 Any license application may be subject to additional review and measurement by the Board or ABCA to determine if the moratorium is applicable.
- 311.6 All hotels, whether present or future, shall be exempt from the Gateway/Langdon Park Moratorium Zone.

- 311.7 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a retailer's license class CN or DN within the Gateway/Langdon Park Moratorium Zone subject to the requirements of Title 25 of the D.C. Official Code and this title.
- 311.8 Nothing in this section shall prohibit the Board from approving the transfer of a license from an existing location within the Gateway/Langdon Park Moratorium Zone to a new location within the Gateway/Langdon Park Moratorium Zone.
- 311.9 A license holder outside the Gateway/Langdon Park Moratorium Zone shall not be permitted to transfer its license to a location within the Gateway/Langdon Park Moratorium Zone if the transfer would result in more than three (3) class CN and DN licenses in the Gateway/Langdon Park Moratorium Zone.
- 311.10 Nothing in this section shall prohibit a valid protest of any transfer or change of license class.
- 311.11 The moratorium imposed by this section shall have a prospective effect and shall not apply to any license granted before the effective date of this section or to any application for licensure pending on the effective date of this section.
- 311.12 This section shall expire three (3) years after the date of publication of the notice of final rulemaking in District of Columbia Register.