

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

NOTICE OF EMERGENCY AND PROPOSED 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 23 DCMR § 303.1, hereby gives notice of the adoption of emergency and proposed rules that amend chapter 3 (Limitations on Licenses) of title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR) to create a new section 312 entitled the North Shaw Moratorium Zone. The proposed and emergency rulemaking would create a new moratorium zone for three (3) years that would extend approximately six hundred feet (600 ft.) in all directions from 1909 9th Street, N.W., which is the location of Noah Noal DC, LLC, t/a Sound Bar, holder of a Retailer’s Class CT license (ABRA License No. 122864).

The Board notes that this issuance replaces the prior proposed rules creating 23 DCMR § 312 based on additional received public comment. Specifically, these revised rules enact a moratorium on an emergency and proposed basis that prohibits the following for a period of three (3) years:

- (1) New Retailer’s Class CN and DN nightclub licenses;
- (2) New Retailer’s Class CT and DT tavern licenses;
- (3) New Retailer’s Class CX and DX multipurpose facility licenses;
- (4) New entertainment endorsements for any on-premises licensed restaurant or tavern to offer entertainment, a cover charge, or facilities for dancing;
- (5) Modifications to existing entertainment endorsements for any on-premises licensed restaurant or tavern to add entertainment, a cover charge, or facilities for dancing;
- (6) A licensed nightclub, multipurpose facility, or restaurant or tavern with an entertainment endorsement from transferring from a location outside of the moratorium area to a location inside of the moratorium area; and
- (7) The Board from granting, within the moratorium area, a change of license class application for a Class CN, DN, CT, DT, CX (multipurpose facility), or DX (multipurpose facility) retailer’s license.

First Hearing

On September 14, 2023, the Board held a public rulemaking hearing related to the Moratorium Petition (Petition) filed by WNA based upon the Board’s finding that the petition satisfied the

requirements of D.C. Official Code § 25-352. Notice of the hearing was published in the *D.C. Register* on August 18, 2023. The Board also received numerous written comments from members of the public.

A summary of the background of the North Shaw Moratorium Zone, as well as public comment relevant for consideration received during the Board’s first Public Hearing and public comment period related to this matter are as follows:

Westminster Neighborhood Association

The WNA submitted the moratorium petition and a supplemental petition. The WNA is a registered District of Columbia community association located in the area near 9th Street, N.W. *Petition for the Establishment of a Moratorium Zone in the 1900 Block of 9th Street*, at 4 (*Petition* at 4). The petition requested a moratorium zone within a 600-foot radius centered at 1914 9th Street, N.W., which is the location of 1914 LLC, t/a Kolben, holder of a Retailer’s Class CT license (ABRA License No. 116067). *Id.* at 4-5. Specifically, the petition requests a moratorium on the issuance and transfer of restaurant, tavern, and nightclub licenses and off-premises alcohol retailers in the moratorium zone and changes in license class to the affected license classes, a moratorium on new entertainment endorsements, increased occupancy, and increased hours. *Id.* at 18. The petition indicates that it supports an exemption for hotels and restaurants without entertainment endorsements. *Id.* at 18-19. The requested period for the moratorium is 3 years. *Id.* at 19. The Petition further requests that the moratorium be called the “North Shaw & 9th Street Neighborhood Moratorium Zone.”¹ The Petition also requests a pause on alcohol license applications in the targeted area, a reduction in licenses, and changes to the zoning code. *Id.* at 2-3.²

The Petition filed by the WNA indicated that there are 23 alcohol licenses issued in the relevant area. *Id.* at 6. The petition argued as a basis for its filing that licensees are contributing to a negative impact on peace, order, and quiet and that there exists an overconcentration of licensed establishments in the area and other appropriateness concerns.

The petition noted the occurrence of a number of violent crimes between 2021 and 2023, including various stabbings and gun violence. *Id.* at 7-8. It also contained reports of unruly crowds that engage in fighting that typically occurs when nightlife establishments are most active. *Id.* at 8-9. This included an incident occurring on March 13, 2022, where there were reports that a large fight involving approximately 60 nightlife patrons in the street occurred during the early morning hours. *Id.* at 9. The petition noted that there are also many complaints by residents that nightlife patrons congregate in front of their homes and create noise. *Id.* Residents also have concerns about frequent “car parties” in the neighborhood. *Id.* at 11. The petition stated that during these gatherings, witnesses describe persons consuming cannabis and

¹ The Board designates the moratorium zone the “North Shaw Moratorium Zone” because the proposed name is too long and the term North Shaw effectively communicates the area targeted by the moratorium.

² The Board notes that some of the requests exceed the scope of a moratorium petition.

alcohol, which creates a rowdy atmosphere in the streets. *Id.* Moreover, people engaging in such activity also play loud music outside which disturbs nearby residents. *Id.* The Board notes that the District’s open container law prohibits drinking in public, including vehicles located in public streets. D.C. Official Code § 25-1001(a).

The Petition also complained about trash and litter in the neighborhood. *Id.* at 12. Specifically, residents find large amounts of litter in the street after heavy nightlife activity, including trash, condoms, liquor bottles, broken glass, vomit, and other human waste. *Id.*

The Petition also complained that nightlife establishments are generating noise and vibrations that disturb residents in their homes. *Id.* at 13-14.

The Petition further discusses residential parking and vehicular and pedestrian safety. *Id.* at 15. The petitioners complain that an influx of nightlife patrons to the neighborhood makes parking difficult for residents and results in a high level of parking violations. *Id.* at 15-16. The petitioners further complain that the number of patrons in the neighborhood makes it difficult to navigate the sidewalks when nightlife is active. *Id.* at 16.

Councilmember Brianne K. Nadeau

Councilmember Brianne K. Nadeau wrote in support of the petition and asked to delay the issuance of new licenses in the neighborhood until a decision is made regarding the moratorium. *Letter from Councilmember Brianne K. Nadeau* (Aug. 7, 2023).

Advisory Neighborhood Commission 1B

Advisory Neighborhood Commission (ANC) 1B supports the moratorium petition and requests that additional enforcement resources be directed to the community. *ANC 1B Resolution*, 1 (Sept. 14, 2023).

Metropolitan Police Department

Captain Riley Hong of the Third District testified on behalf of the Metropolitan Police Department (MPD). *Transcript (Tr.)*, September 14, 2023 at 8. He indicated that reimbursable detail spots are not always filled, and based on the crime in the area he believes that the petition should be granted. *Id.* at 9. He noted that the area attracts vehicles that rev their engines, drag racing, and illegal all-terrain vehicles (ATV). *Id.*

Local Residents’ Comments

Local residents Alex Smith, Sudha Gollapudi, Paul O’Neill, Mattia D’Affuso, Amanda Toles, Gonzalo Gomez, David Greer, Elizabeth Baker, Craig Brownstein, Paul Williams, Justin Campbell, Tania Shand, Stergios Theologides, Reid Dunavant, Zoe Cordelia Lu, Andre Ory, Leola Smith, Frank Chauvin, Krishna M. Kumar, and Pierson Stoecklein support the petition for

various reasons, including their experience as residents. *See Moratorium Rulemaking File.* Some of the reasons articulated by various local residents include concerns regarding the negative impact of the overconcentration of alcohol licenses, noise, crime, public safety concerns posed by patrons, and the litter caused by such patrons. *Id.* Mr. O’Neill blamed the expansion of The Uptown Arts-Mixed Use (ARTS) Overlay zone for encouraging overconcentration. *Id.* Mr. Williams noted that the buildings in the neighborhood were built to be residences and not nightlife businesses. *Id.* Ms. Shand presented various studies that show a correlation between the concentration of alcohol outlets and crime. *Id.* Ms. Kumar provided various crime statistics related to the neighborhood that showed a high level of reported crime.

Behzad Khani

Behzad Khani owns two properties in the neighborhood. *Tr.* 9/14/23 at 26-27. He supports the moratorium petition. *Id.* at 27. He complains about loiterers sitting on his property and engaging in drinking, smoking, and other activities that are detrimental to his property. *Id.* at 28.

Tesfit Kiflu

Tesfit Kiflu owns Cloud Lounge. *Id.* at 32. He complained about public drinking in the neighborhood. *Id.* at 32-33. He supports the petition generally but not restrictions on transferring or selling the business. *Id.* at 34.

Bill Spieler

Bill Spieler owns DC9 nightclub. *Id.* at 61. He opposes the petition because moratoriums are ineffective and do not address the problems targeted by moratoriums. *Id.* He also noted that moratoriums inflate the price of alcohol licenses. *Id.* at 62. He also noted that vendors are selling alcohol out of coolers in the neighborhood. *Id.* at 63-64.

Shaw Main Streets

Alexander Padro, the executive director of Shaw Main Streets, testified in opposition to the petition. *Id.* at 90. The petition will hurt businesses in the neighborhood economically and harm “the largest cluster of Ethiopian and Eritrean American businesses” in the region. *Id.* at 90. He indicated that issues in the neighborhood stem from restaurants and taverns morphing into nightclubs. *Id.* at 91. He also noted that the moratorium would not address the concerns the moratorium is meant to address. *Id.* Instead, he recommended banning the use of outside promoters, enhanced security, and business consultations and training. *Id.* at 91-94. He also indicated that a local building owner should allow businesses to remove trash through a local alley to address litter concerns. *Id.* at 94. He further noted that there has been no reduction in property values. *Id.* at 94-95. He also opposes calling the moratorium the “1900 block of 9th Street, N.W.” moratorium zone. *Id.* at 95.

9th Street Association

Allan Ebert, the executive director of the 9th Street Association, represents various nightlife establishments, including Cloud, MK Lounge, Mirror, and Right Spot. *Id.* at 114-15. He complained that MPD is not stopping illegal alcohol sales on the streets, which contributes to the negative environment in the area. *Id.* at 116. He does not believe the moratorium will be effective. *Id.* at 118.

9th Street Nightlife Equity Coalition

The 9th Street Nightlife Equity Coalition (Coalition), representing several businesses in the proposed moratorium zone, filed comments opposing the Petition. *Position of the 9th Street Nightlife Equity Coalition*, at 1 (Nov. 3, 2023). The basis of the opposition is (1) the Petition is defective because it does not encompass a locality, section, or portion, but rather a portion of a locality, which the Coalition argues renders the petition defective under D.C. Official Code § 25-352(b), which requires moratoriums to encompass “either a locality, section, or portion” of the District, which are specifically defined areas in § 25-101 of the D.C. Official Code; (2) the information provided by the Petitioners is too generalized because the proposed area is smaller than the area encompassed by the information provided; (3) the proposed moratorium is discriminatory because it targets an area where businesses are largely owned by immigrants from Ethiopia and North Africa and will have a negative impact on the area serving as a “Little Ethiopia” enclave; (4) any issues in the area are a failure of the District to provide appropriate policing and traffic management; and (5) the proposed moratorium will not address the issues that the community seeks to address. *Id.* at 1-15.

Westminster Neighborhood Association (Response to Coalition)

The Westminster Neighborhood Association (WNA) responded to the comments filed by the Coalition. *Westminster Neighborhood Association’s Opposition to Motion for Reconsideration, Rehearing, and in the Alternative to Dismiss the Petition*, 1 [*Opposition*].³ The WNA admitted that the Petition “ultimately identified the Moratorium Zone as a portion of the identified locality.” *Id.* at 3. The WNA maintains that this limited area satisfies the minimum requirements for implementing a moratorium zone and the language of D.C. Official Code 25-354(e) allows for an area smaller than a locality. *Id.*⁴ The WNA further argues that there are

³ The Board appreciates the legal views provided as part of the comments to the rulemaking. The Board notes that it addressed the dispute regarding the size of the moratorium area by selecting the locality, and not a smaller area. The Board also agrees that the moratorium is justified by race neutral criteria.

⁴ The Board notes that any dispute regarding the size of the WNA’s requested a size smaller than permitted is moot since the Board selected the locality in this rulemaking and has not departed from the areas permitted in D.C. Official Code § 25-352.

sufficient race-neutral reasons for creating the proposed moratorium zone, such as safety concerns. *Id.* at 7-8.⁵

Second Hearing

The Board held a second public hearing related to the proposed moratorium on February 29, 2024, based upon the Board's intention to enact a moratorium different from the one initially proposed. A summary of the public comments is as follows:

Metropolitan Police Department

MPD Captain Chris Moore indicated that the area operates as a large entertainment zone with a high concentration of alcohol licensees that produces many inebriated people. *Tr.*, February 29, 2024 at 8-10. MPD indicated that it has concerns about providing appropriate staffing during the night and is having trouble fulfilling reimbursable detail requests. *Id.* at 11. He indicated that in the U Street area in the past year MPD's statistics show 7 homicides, 37 assaults, 720 auto related thefts, the recovery of 104 firearms, and approximately 54 gun related arrests. *Id.* at 11-12.

Westminster Neighborhood Association

The WNA, through counsel Kerry Verdi, provided additional testimony during the second hearing. The WNA supported the Board's decision to impose a moratorium but asked for some changes to the proposed rule. *Id.* at 14. The WNA requested that the Board include tavern licenses; be enacted immediately; and better define the outer limits of the moratorium. *Id.* at 14-15. The WNA believed including taverns was important because failing to do so would continue to drive people to the neighborhood. *Id.* at 15.

Frank Chauvin

Frank Chauvin, a member of the WNA, supported the Board's overconcentration finding. *Id.* at 30. He noted that it is difficult to attribute problems in the area to a single licensee. *Id.* at 30. He advocated for taverns being included in the moratorium zone. *Id.* at 31. He noted that MPD is not able to fully fulfill reimbursable detail requests by establishments on a regular basis. *Id.* at 32-33.

Ashleigh Fields (ANC 1B)

Ashleigh Fields represents Advisory Neighborhood Commission (ANC) 1B and discussed the ANC's resolution supporting the imposition of a moratorium in the area. *Id.* at 65-66. The ANC opposed the imposition of the moratorium as an emergency. *Id.* at 66. The ANC indicated that businesses needed time to address the needs of their businesses before the moratorium goes into effect and have a chance to be informed about the impending moratorium. *Id.* at 66.

⁵ The Board is persuaded that the moratorium is based on race-neutral considerations such as public safety, crime, rowdiness, violence, and other issues identified by the appropriateness criteria.

Additional Comments

Additional persons living in the community supported adding taverns to the moratorium. *See, e.g., id.* at 34, 42, 61, 68. Thomas M. Abebe works in the nightlife industry and asked the District to focus on reducing crime instead of instituting a moratorium. *Id.* at 45-46. Abebe Bekele owns a nightlife business in the neighborhood and believes that the local nightlife businesses are contributing to problems in the neighborhood and allowing the use of drugs inside establishments. *Id.* at 51-54. The Board also received additional testimony supporting and opposing the moratorium during the hearing and by email similar to the comments described above.

Determination

In response, the Board agreed with the recommendation to impose a moratorium but selected a different area. The Board considered the oral and written testimony, resolutions and exhibits filed by the Westminster Neighborhood Association, the 9th Street Association, the 9th Street Nightlife Equity Coalition, and other witnesses and residents submitted as part of the two public hearings held by the Board.

The moratorium itself will extend approximately 600 feet in all directions from 1909 9th Street, N.W. The Board notes that the description in proposed 23 DCMR § 312.2 is intended as an approximation of the moratorium area because the streets in the area do not create a perfect circle that matches the moratorium zone. Therefore, the Board expects that some applied-for locations in the area identified in § 312.2 may require additional measurement or review to determine if the moratorium is applicable.

In reaching its decision, the Board also gave great weight to the written recommendations of ANC 1B, as required by section 13(d)(3) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.10(d)(3)), and D.C. Official Code § 25-609. The Board notes that the ANC supported the petition and the Board's responses to the WNA also constitutes the Board's response to the ANC.

Pursuant to D.C. Official Code § 25-351, the Board determined that it was in the public interest to establish a new moratorium with some restrictions for three (3) years, and in doing so, the Board based its decision upon the appropriateness standards set forth in D.C. Official Code §§25-313 and 25-314. In reviewing a moratorium request, the Board must "consider the extent to which the testimony and comments show that the requested moratorium is appropriate under at least 2 of the appropriateness standards set forth in subchapter II of this chapter." D.C. Official Code § 25-354(d); *see also* D.C. Official Code § 25-351(a).

The relevant appropriateness standards listed in subchapter II include: (1) "[t]he effect of the establishment[s] on real property values"; (2) "[t]he effect of the establishment[s] on peace, order, and quiet, including the noise and litter provisions set forth in [D.C. Official Code] §§ 25-

725 and 25-726; (3) “[t]he effect of the establishment[s] upon residential parking needs and vehicular and pedestrian safety”; (4) “[t]he proximity of the establishment[s] to schools, recreation centers, day care centers, public libraries, or other similar facilities”; (5) “[t]he effect of the establishment[s] on the operation and clientele of schools, recreation centers, day care centers, public libraries, or other similar facilities”; (6) “[w]hether school-age children using facilities in proximity to the establishment[s] will be unduly attracted to the establishment while present at, or going to or from, the school, recreation center, day care center, public library, or similar facility at issue”; and (7) “[w]hether issuance of [additional licenses] would create or contribute to an overconcentration of licensed establishments which is likely to affect adversely the locality, section, or portion in which the establishment[s] [are] located.” D.C. Official Code §§ 25-313(b)(1)-(3), 25-314(a)(1)-(4).

Based upon the public comment related to the proposal, the Board is persuaded that the issuance of a new moratorium described in this rulemaking in the selected area is appropriate to preserve peace, order, and quiet; preserve pedestrian and vehicular safety; and prevent the overconcentration of licensed establishments, in accordance with D.C. Official Code § 25-354(d). In particular, the Board is persuaded that the issuance of new nightclub, tavern, and multipurpose facility licenses and entertainment endorsements will have a detrimental effect on public safety in the area around the 1900 block of 9th Street, N.W.

The Board considered arguments regarding the impact of the moratorium on minority business owners but is persuaded that the area suffers from significant issues regarding crime and public safety that justify the moratorium. The Board further considered the argument that the information justifying the moratorium was too generalized and did not specifically apply to the limited area targeted by the proposal; nevertheless, this argument is not compelling based on the specific negative impact evidence received by the Board.

The Board notes that in future proceedings related to the renewal of the moratorium, the Board may consider changes in behavior and policing in the area, among other factors. The Board suggests that various governmental and non-governmental stakeholders consult and work together to address various problems identified in the petition and by supporters of the moratorium. Discussions could entail various initiatives to address quality of life issues, such as public drinking and illegal alcohol sales in the streets; promoting the use of street facing security cameras by businesses and residents; the provision of free parking, ride share, Metro rides, and other transportation options; community wide traffic and noise studies; staggering let out at establishments, among other things.

The Board notes that it selected a different location from the one designated by the Petitioner and chose to enact a moratorium of approximately 600 feet, rather than the smaller one proposed by the Petitioner. The Board selected a broader area for the moratorium because the data presented demonstrated that problems, such as crime, go beyond the Petitioner’s selected area. Moreover, patrons are coming and going to the area from public transportation and vehicles parked outside the initially proposed moratorium. Therefore, a larger moratorium area is warranted as the problems are tied to activity outside of the initially proposed area.

In imposing a new modified moratorium, the Board notes that it was persuaded by public testimony that taverns should be included. This means that the North Shaw Moratorium Zone will primarily limit the issuance of new nightclub licenses, tavern licenses, multipurpose facility licenses, and new entertainment endorsements to restaurants and taverns. This will allow for the licensing of new restaurants without entertainment endorsements. These restrictions will help to ensure that these new establishments are focused primarily on the sale of food and meals, which has not been shown to relate to any of the identified problems. Additionally, many restaurants generally close earlier than taverns and nightclubs; therefore, this exception to the moratorium is not expected to exacerbate existing issues.

To help preserve the peace, order, and quiet of the neighborhood and address overconcentration issues, the Board is also precluding existing restaurants and taverns that hold partial entertainment endorsements from adding entertainment, a cover charge, or facilities for dancing. The Board is also prohibiting a licensed nightclub, multipurpose facility, tavern, or restaurant with an entertainment endorsement from transferring from a location outside the moratorium area to a location inside the moratorium area. Furthermore, the Board is precluding the grant of any class change application from a licensed establishment located within the moratorium area for a nightclub, tavern, or multipurpose facility.

The Board further rejected other proposed restrictions for various reasons, including the fact that some restrictions could unfairly threaten the financial viability of businesses, some suggestions could be deemed to have gone beyond the scope of D.C. Official Code § 25-351, and some were sufficiently addressed by the restrictions selected by the Board or too tangential, or speculative in effect to merit including as part of the rulemaking.

The Board notes that the new map proposed by the WNA goes beyond the 600-foot circle in a few select areas. The Board disagrees that this is permitted where the moratorium statute says that the Board, by rule, may “Declare a moratorium on the issuance of licenses of any class, or the issuance of amended licenses that constitute a substantial change, *in any locality, section, or portion* of the District . . .” D.C. Code § 25-351(a)(2) (emphasis added). In light of this language, and the use of the word “or,” found at § 25-351(a)(2), it is apparent that the Board is limited to selecting one of the three areas indicated in the statute. The Board is aware that another statute allows the Board to grant moratorium requests “[i]n whole or in part” and “[b]y enlarging or decreasing the moratorium area”; however, this authority must operate within the geographic confines of the plain language of § 25-351(a)(2). D.C. Code § 25-354(e). This means that in reviewing requests, among other options, the Board is limited to adding or subtracting from the type of licenses and substantial changes targeted by the request and modifying the size of the moratorium area to either the area selected or one of the other areas described in § 25-351, i.e., the locality, section, or portion. This further means that the Board may not deviate from these options by creating an area with interior exceptions (e.g., no Swiss cheese moratoriums) or attaching bubbles or pocket areas (e.g., no moratorium areas or circles

with Mickey Mouse ears).⁶ As a result, the Board remains committed to solely enacting a moratorium defined as a locality, and no more.

The Board is adopting these rules on an emergency basis to promote the health, safety, and welfare of the community by: (1) limiting the number of additional taverns, nightclubs, and multipurpose facility licenses that can be applied for and issued in the moratorium zone; and (2) limiting the number of additional new or amended entertainment endorsement, cover charge, and dance floor requests that can be filed with the Board.

The Board was persuaded by ANC 1B that the enactment of an emergency moratorium immediately putting the rules into effect could unfairly prejudice current applicants. As such, the Board is making clear that the emergency rules only impact prospective applicants and do not impact applications filed with the agency on or before June 11, 2024.

Rulemaking Action

The Board voted on June 12th, 2024, to give notice of its intent to take final rulemaking action to adopt these rules on a permanent basis in not fewer than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Further, the Board will transmit the proposed rulemaking to the Council of the District of Columbia for a ninety (90)-day period of review in accordance with D.C. Official Code § 25-211(b)(2), whereby Council approval of the rulemaking is required prior to adoption.

The emergency rules shall take effect on June 12, 2024 and shall remain in effect for one hundred twenty (120) days, expiring on October 10, 2024, unless superseded by an emergency or final rulemaking.

The rules enacting the North Shaw Moratorium Zone are as follows:

Chapter 3, LIMITATION ON LICENSES, of Title 23, ALCOHOLIC BEVERAGES, of the DCMR is amended by adding a new section 312 to read as follows:

312 NORTH SHAW MORATORIUM ZONE

312.1 No application for a new Retailer’s Class CN, DN, CT, DT, CX, or DX license shall be approved or issued in the North Shaw Moratorium Zone, which shall extend six hundred (600) feet in all directions from 1909 9th Street, N.W., Washington, DC 20001. This area shall be known as the North Shaw Moratorium Zone.

312.2 The North Shaw Moratorium Zone is more specifically described as follows:

⁶ The Board notes that adopting an illegal moratorium could subject the rulemaking to litigation that could delay implementation for years, which the Board believes would not be in the interest of residents at this time.

- (a) The area bounded by a line beginning at the intersection of the centerlines of Vermont Avenue, N.W., and T Street, N.W., and continuing north on Vermont Avenue, N.W., until the intersection of Vermont Avenue, N.W., and 9th Street, N.W., but only containing the premises on the east side of Vermont Avenue, N.W.;
- (b) Then continuing south along 9th Street N.W. until the intersection of the centerlines of V Street, N.W., and 9th Street, N.W., but only containing the premises on the west side of 9th Street N.W., and the south side of V Street, N.W.;
- (c) Then continuing east along the center line of V Street N.W., to the intersection of V Street, N.W., and 7th Street N.W., but only containing the premises on the south side of V Street, N.W.;
- (d) Then continuing south on 7th Street, N.W., until the intersection of 7th Street, N.W., and S Street, N.W., and containing the premises on both sides of 7th Street, N.W.;
- (e) Then continuing west along the center line of the intersection of 7th Street, N.W., and S Street N.W., to the center line of the intersection of S Street, N.W., and Vermont Avenue N.W., but only containing the premises on the north side of S Street, N.W.; and
- (f) Then continuing north along the center line of Vermont Avenue, N.W., until the centerline of the intersection of Vermont Avenue, N.W., and T Street, N.W., but only containing the premises on the east side of Vermont Avenue, N.W. until it connects with the start of the area described in § 312.2(a).

312.3 Any license application may be subject to additional review and measurement by the Board or ABCA to determine if the moratorium is applicable.

312.4 No application for a new entertainment endorsement or change to an existing entertainment endorsement to have or add entertainment, a cover charge, or offer facilities for dancing filed by a licensee under a Retailer's Class CR, DR, CT, or DT license shall be approved or issued in the North Shaw Moratorium Zone.

312.5 Nothing in this section shall prohibit the Board from approving the transfer of ownership of an establishment located in the North Shaw Moratorium Zone.

- 312.6 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the North Shaw Moratorium Zone to a new location within the North Shaw Moratorium Zone.
- 312.7 A Retailer’s Class CN, DN, CT, DT, CX, or DX license, or Retailer’s Class CR, or DR license with an entertainment endorsement, located outside of the North Shaw Moratorium Zone shall not be permitted to transfer its license to a location within the North Shaw Moratorium Zone.
- 312.8 The Board shall not grant a change of license class application from a license holder located within the North Shaw Moratorium Zone for a Retailer’s Class CN, DN, CT, DT, CX, or DX license.
- 312.9 The moratorium imposed by this section shall have a prospective effect and not apply to any pending license or endorsement application that was filed with the agency on or before June 11, 2024.
- 312.10 This section shall expire three (3) years after the date of publication of the notice of final rulemaking in the *District of Columbia Register*.

Copies of the proposed rulemaking can be obtained from by contacting Martha Jenkins, General Counsel, Alcoholic Beverage and Cannabis Administration, 2000 14th Street, N.W., Suite 400, Washington, D.C. 20009. Persons with questions and comments concerning the rulemaking should contact Martha Jenkins at (202) 442-4456 or via e-mail at martha.jenkins@dc.gov. Requests for documents related to the rulemaking should be made through the District’s Freedom of Information Act portal found at <https://foia-dc.gov/App/Index.aspx>. Comments should be submitted, in writing, no later than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*, to the above address.