

**BEFORE THE
DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

**PETITION FOR RENEWAL
OF, AND MODIFICATION TO,
THE MORATORIUM ON ISSUANCE OF
NEW RETAILER'S LICENSES, CLASS A, B, C, AND D
IN ADAMS MORGAN**

Submitted by:

**the Kalorama Citizens Association
the Reed-Cooke Neighborhood Association**

April 19, 2004

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The Kalorama Citizens Association, (KCA) incorporated in the District of Columbia, and the Reed-Cooke Neighborhood Association, (RCNA) also incorporated in the District of Columbia, hereby petition the District of Columbia Alcoholic Beverage Control Board to renew and modify the conditions of the existing moratorium (set to expire on July 19, 2004) on the issuance of new retailer's licenses to sell or serve alcoholic beverages in the Adams Morgan Moratorium Zone (23DCMR 304) with the exception of hotel licenses and D/R licenses as previously prescribed by the Board. The Petitioners seek to modify or add other provisions which are detailed in the section: Actions sought by Petitioners. The Petitioners will establish to the Board that present conditions justify an extension and modification of the moratorium as required under 25-303.3.

Petitioner Kalorama Citizens Association, P. O. Box 21311, Kalorama Station, Washington, DC 20009, is an 85 year-old civic association whose members are residents of the western and northern areas of Adams Morgan. Long concerned with quality of life issues, the KCA routinely addresses and is active in issues of Zoning, Historic Preservation, Alcoholic Beverage Control licensing and neighborhood beautification.

The Reed-Cooke Neighborhood Association, P.O. Box 21700, Kalorama Station, Washington, DC 20009 is a 20 year old civic association who's members are residents of the area bounded by Columbia Road on the North; 16th Street to the East; 18th Street on the West; and Florida Ave on the South. It derives its name from the Marie Reed Learning Center and the H. D. Cooke School, which lie at the southwest and northeast edges of the neighborhood, respectively. As a neighborhood association adjacent to the commercial area of Adams-Morgan, RCNA is very active in preserving the residential character of the neighborhood and addressing the quality of life issues that affect daily life.

The Association was founded in 1984 out of lengthy zoning cases to protect the residential character and housing of the Reed-Cooke neighborhood, and to guide the development of residential-compatible businesses. As adopted in the Zoning Regulations, 11 DCMR, Chapter 14, The Reed-Cooke Overlay District helps provide for neighborhood-serving businesses for the portion of Kalorama Road that falls within the Reed-Cooke neighborhood boundaries. The RCNA routinely acts on issues of zoning, neighborhood beautification, street and sidewalk conditions, and Alcoholic Beverage Control licensing.

Introduction

Since the implementation of the Adams Morgan Moratorium Zone by the Board on July 19, 2000 there have been some changes in the landscape, both physical, and legislatively, that must be taken into account when considering the various aspects of a rulemaking that will be effective in protecting the interests of not only the residents of Adams Morgan, but also the overall business

community, ABC businesses and non-ABC businesses alike. These changes are: the passage of the Title 25, D.C. Code Enactment and Related Amendments Act of 2001: Alcoholic Beverages; the completion and implementation of the year 2000 census and its effects on local political boundaries; the awarding by the D.C. Government of a 5 year grant to the Adams Morgan MainStreets, Inc. Group; and the continued construction of significant in-fill housing projects in the Adams Morgan neighborhood (there are eight large condominium projects either recently completed, under construction or approaching groundbreaking, just in the Reed-Cooke section of Adams Morgan).

Description of the Proposed Area for Renewal of the Adams Morgan Moratorium Zone

The proposed Zone for this renewal application is very similar to that contained in the Boards' final rulemaking of July 19, 2001, currently in effect: The area is the section that extends approximately fourteen hundred (1400) feet in all directions from the intersection of 18th Street and Belmont Road, NW, Washington, DC; the nearest ABC-licensed establishment is Arbor, 2400 18th Street, NW; in accordance with 25-352(b).

There are two differences with respect to the physical scope of the area between the rulemaking as it currently stands and our proposal for renewal: 1.) To respect the southern Ward one/Ward two boundary, (which is the same as the ANC 1C/ANC 2B boundary) that changed due to redistricting after the year 2000 census, an exclusion has been made for any establishments previously "captured" in the Adams Morgan Moratorium Zone, that are south of Florida Avenue or "U" Street and in Ward two; 2.) To clarify the narrative description of the "street boundaries" of the Zone, the following street-by-street description is proposed:

The Adams Morgan Moratorium Zone is more specifically described as beginning at 18th Street and ***Vernon Street***, NW; and proceeding on ***both sides of all streets, unless otherwise noted; West on Vernon Street*** to 19th Street; Northwest on 19th Street to Wyoming Avenue; Southwest on Wyoming Avenue to 20th Street; Northwest on 20th Street to Belmont Road; East on Belmont Road to 19th Street; Northwest on 19th Street to Biltmore Street; East on Biltmore Street to Cliffbourne Street; North on Cliffbourne Street to Calvert Street; East on Calvert Street ***to Lanier Place; Northeast on Lanier Place to Adams Mill Road***; Southeast on Adams Mill Road to Columbia Road; Northeast on Columbia Road to Ontario Road; South on Ontario Road to Euclid Street; East on Euclid Street to 17th Street; South on 17th Street to Kalorama Road; Southwest on Kalorama Road to Ontario Road; South on Ontario Road to Florida Avenue; Southwest on Florida Avenue to ***"U" Street; West on "U" Street (North side only); across 18th Street to the South corner of 18th and Vernon Streets, NW, Washington, DC.****

**** Italics indicate proposals for changes in text from previous rulemaking.***

Current Zoning and Comprehensive Plan

The proposed area for the renewal of the Adams Morgan Moratorium Zone is generally, a circle made up of a central core of low and medium density mixed-use C-2-A and C-2-B, surrounded by moderate and medium to high density residential uses of R-5-B and R-5-D. In the C-2-A and C-2-B areas of 18th Street, Columbia Road and Adams Mill Road, there is a substantial, and in some blocks, predominate land use in ABC licenses.

The eastern section of the Adams Morgan area is known as Reed-Cooke. In 1991, the Reed-Cooke zoning case (Z.C. Order 523-A, Case No. 88-19 and Z.C. Order No. 423, Case No. 86-12) resulted in large areas of that section being re-zoned from Industrial uses to C-2-A, C-2-B, and R-5-B. In addition, an overlay zone was created to control uses and density. Under 11DCMR 1401.1 the following uses are prohibited: bar or cocktail lounge; off-premises alcoholic beverage sales; restaurant or fast food restaurant; hotel or inn; billiard parlor or pool hall; video game parlor; bowling alley; and assembly hall, auditorium or public hall. Special exceptions, or variances, are possible through request to the Board of Zoning Adjustment (BZA) if they are found to "advance the stated purposes of the Reed-Cooke Overlay District." The Petitioners believe that the current Moratorium Zone and the proposed Moratorium "renewal" Zone are compatible with the Reed-Cooke Overlay District.

As previously mentioned in the Introduction, there is something of a building boom of condominium construction taking place in the Reed-Cooke section of Adams Morgan. Four projects are on Champlain Street, which, just one block to the east, parallels the blocks of 18th Street that contain most of the ABC establishments in the existing moratorium zone. The other four projects are located two blocks farther east and are clustered largely around the intersection of 17th Street and Kalorama Road, NW. This influx of new residents to Adams Morgan, while bringing new residential life to areas once blighted with neglect, will also add to the density of the residential population, whose quality of life is already severely impacted by the concentration of ABC-licensed establishments currently in place.

On the Comprehensive Plan Generalized Land Use Policies Map, the 18th Street and Columbia Road commercial area is designated a "local neighborhood commercial center". The Ward one element of the Comprehensive plan for this area [10DCMR 1203(q)(4)] calls for the following "economic objective" for the 18th and Columbia area: "Preventing concentrations of liquor-licensed establishments, fast food outlets, and convenience stores." In the land use section of the Ward one plan (10DCMR 1231), there is similar language. The Petitioners respectfully request the Board to *continue* to apply these directives as the appropriate guideline for this area.

Current ABC licenses

In October of 1999, when the Petition was filed that resulted in the current moratorium, the requested zone contained a total of 100 licenses (see below). A smaller Zone than originally applied for was

granted by the Board in July, 2000. Now, over four years later, there are a total of 98 licenses, (see below) with the disposition of one license uncertain. This total number of licenses fulfills the requirement of 25-352(d)(2), that there be at least 6 establishments of the same class or 12 establishments of any class or combination of classes. The 1400 foot radius approved by the Board in July 2000 meets the legal description of a "section". Though the approved Adams Morgan Moratorium Zone does not meet the physical definition of a "portion," (1800 feet from the property lines of the chosen establishment) still, the number of licenses present in the proposed "renewal" zone is more than five times the legal threshold for a "portion," and more than seven times the requirement for a "section".

ABC Licenses in the Original Petition for the Adams Morgan Moratorium, October, 1999

CH	CR	CT	CX	DR	DT	A	B	
1	72	2	1	2	1	5	16	Total of active licenses 100

ABC Licenses in the Board-approved Adams Morgan Moratorium Zone, July 2000

CH	CR	CT	CX	DR	DT	A	B	
0	69	3	0	1	0	5	11	Total of active licenses 89
								Licenses in safekeeping (unknown) --

ABC Licenses in the proposed renewal of the Adams Morgan Moratorium Zone, April, 2004

CH	CR	CT	CX	DR	DT	A	B	
0	66	3	0	2	0	4	10	Total of active licenses 85
0	5	0	0	0	0	1	0	Licenses in safekeeping 6
0	0	0	0	0	0	1	0	Licenses, disposition unknown 1
								Total known licenses 92

Actions sought by petitioners:

A. Renewal of the Adams Morgan Moratorium, with the geographical and narrative changes discussed above under "Description..." for a period of five (5) years.

B. A prohibition against transfer of licenses from outside the Adams Morgan Moratorium Zone to a location inside that Zone.

C. A prohibition on the issuance of any further licenses of Classes A, B, C, and D, with the exception of DR licenses and licenses for hotels as previously prescribed by the Board in its rulemaking creating the Adams Morgan Moratorium Zone in July 2001.

D. An exception to allow the issuance of new Retailer's Licenses Class B, as provided under 25-303 (c.), 25-331(d.), 25-332 (c.) or 25-333 (c.).

E. A cap on the number of CN and DN licenses of zero (0).

F. A cap on the number of CT licenses at six (6).

G. A ban on expansion of service or sale of alcoholic beverages into any adjoining or adjacent space, property, or lot, with the exception of applications for Sidewalk Cafes and Summer Gardens.

H. A hold placed on the acceptance by the Board of any further applications by C or D class retailers located within the existing Adams Morgan Moratorium Zone to change license class to CT or CN until the Board makes its decision on the renewal of the Adams Morgan Moratorium Zone.

I. A hold placed on the acceptance by the Board of any further applications for expansion of service or sale of alcoholic beverages into any adjoining or adjacent space, property, or lot, with the exception of applications for Sidewalk Cafes and Summer Gardens.

The actions requested by the Petitioners are discussed below:

A. Renewal of the Adams Morgan Moratorium, with the geographical and narrative changes discussed above under "Description..." for a period of five (5) years.

The five (5) year period that the Petitioners are requesting is essential for the following reasons:

(1) Commercial landlords will continue to attempt to "wait out" the Moratorium in the hope of obtaining a high volume (and thus higher rental) ABC tenant. If the Moratorium period is longer, landlords are more likely to allow other uses of their properties, which through good communication and marketing could lead to more community-serving retail locating in Adams Morgan.

(2) A shorter term than 5 years puts the neighborhood through a wrenching and divisive struggle before the moratoriums' effects can be fully discerned. The longer the period of time between these discussions, the better, particularly because the results of a passive instrument like a moratorium are not immediately distinguishable from other market forces.

B. A prohibition against transfer of licenses from outside the Adams Morgan Moratorium Zone to a location inside that Zone.

This is a necessary element of any ABC moratorium to ensure isolation of the problems. If licenses from outside the moratorium zone were allowed to enter, it would defeat the primary purposes of this petition

which are to prevent further growth of problems associated with disturbance of peace, order and quiet and negative impacts on vehicular and pedestrian safety as well as to limit the further over concentration of ABC licenses in the proposed zone.

C. A prohibition on the issuance of any further licenses of Classes A, B, C, and D, with the exception of DR licenses and licenses for hotels as previously prescribed by the Board in its rulemaking creating the Adams Morgan Moratorium Zone in July 2001.

This provision is needed as the basic tool to prevent any worsening of conditions as discussed under Sections 1, 2, and 3. The Petitioners recognize the value of the exceptions the Board initially made in the granting of the Adams Morgan Moratorium Zone in July of 2000 with regard to DR licenses and licenses for Hotels. No clear pattern is readily discernable in connection to the DR licenses which have been granted since the moratorium began. Of the total of four granted, two are no longer in business, while the two that remain are interesting, niche businesses which seem to have carved out a bit of the marketplace for themselves with no ill effect on the community. There have been no applications for any Hotel licenses as there are no Hotels currently located within the Moratorium Zone.

D. An exception to allow the issuance of new Retailer's Licenses Class B, as provided under 25-303 (c.), 25-331(d.), 25-332 (c.) or 25-333> (c).

When the Adams Morgan Moratorium Zone was granted in July, 2000, the rewriting and passage of the ABC law, Title 25, D.C. Code Enactment and Related Amendments Act of 2001, was still in the future. The Petitioners recognize the value of the exemption to the city-wide quota on Class B licenses for full service grocery stores and wish to make provision in this Petition for existing and future retailers who qualify under the Act. The Petitioners recognize this as an issue of fairness to those retailers who have long served the Adams Morgan community and as an incentive to possible future retailers who may bring further variety and competition to the marketplace.

E. A cap on the number of CN and DN licenses of zero (0).

There are currently no nightclub (CN or DN) licenses in Adams Morgan, although there is much entertainment activity. The Petitioners feel that there is a delicate balance to be achieved between restaurants, a very limited number of taverns, the rest of the non-ABC business community, and the residential neighbors. The service of food, along with the alcohol and entertainment, is essential as the business and residential communities work to co-exist in harmony. As there is no requirement for a nightclub to sell any measurable amount of food, and 25-314(c) recognizes the distinction between other types of licenses and nightclub or tavern licenses, stating that: "...the Board shall consider whether the proximity.....to a residence district.....would create a substantial adverse impact on the residents of the District." The Petitioners believe that the introduction of any CN or DN licenses would indeed have

such adverse impacts on our residential communities, witness the unresolved problems with late night entertainment activity detailed in this petition. Further, the Comprehensive Plan for Ward One specifies that the application of ABC regulations should "encourage late-night club-type operations in areas where there is a limited residential population nearby"[10DCMR, section 1231(e)(4)]. The Petitioners respectfully request that the Board act in accordance with this stated policy objective and set a cap of Zero for CN and DN licenses in the Adams Morgan Moratorium Zone.

F. A cap on the number of CT licenses at six (6).

There are currently three (3) tavern or CT licenses in the Adams Morgan Moratorium Zone. There were three when the Board implemented the moratorium, one DT upgraded to CT and one CT was revoked by the Board. Another of our CTs has been problematic, with a show cause and suspension based on a violent brawl and other violent incidents. In our local experience, to some extent CTs have been problematic. The Petitioners nevertheless recognize the need for flexibility within the marketplace, and coupled with new ABC regulations and food service requirements, suggest a limit on the number of allowable CT licenses of six (6). To compare with another moratorium zone, that of Georgetown, where there are also six tavern licenses permitted by Code [25-339(a)], the Adams Morgan zone is a smaller one than Georgetown's and contains fewer total licenses, so that Adams Morgan would have proportionally more taverns than Georgetown. Further, the Petitioners note the distinction in Title 25, section 314(c), (as above under Section G, that the proximity of taverns, as well as nightclubs to Residential districts must be considered as to creating "....a substantial adverse impact on the residents...".

G. A ban on expansion of service or sale of alcoholic beverages into any adjoining or adjacent space, property or lot.

Adams Morgan is starved for residential-serving retail businesses that would offer goods and services to a very attractive demographic, that is: potential customers who can pay from \$500,000 to \$1,000,000 for luxury condominiums or restored town homes. Such prices are now common throughout Adams Morgan. The current, densely packed ABC use of much of Adams Morgans' commercial strips tends to crowd out other non-ABC uses, as rents for commercial space rise to match that which high-volume, high turnover, cash-oriented ABC tenants can afford. The Petitioners request that the Board recognize this trend and grant this provision that will give a future to non-ABC retail in Adams Morgan. Without such a provision a steady stream of substantial change requests will march along 18th Street and Columbia Road, gobbling up storefronts as they become available. We note that since the Adams Morgan Moratorium was approved by the Board, the combined occupancy of ABC seating has grown by 10%.(See Attached chart)

H. A hold placed on the acceptance by the Board of any further applications by C or D class retailers located within the existing Adams Morgan Moratorium Zone to change license class to CT or CN until the Board makes its decision on the renewal of the Adams Morgan Moratorium Zone.

The Petitioners seek to address the issue of license conversion in a measured way, with no advantage given to any particular licensee based on the speed with which they were able to fill out an application. Rather, we believe each individual licensee should be considered on their merits, with full discussion of the possible/probable impacts on residence districts and the community at-large. We request that the Board allow our community to have its internal discussion on this important topic without the threat of a flood of license-class change applications hanging over our collective heads. We would note that there is nothing in the regulations that prohibits such an action, and that there is precedent for it, as in 2000 the Board took no further applications for new licenses after the Petition for a Moratorium was filed until a decision was made.

Appropriateness Standards

Before granting the renewal of, and modification, to the Adams Morgan Moratorium Zone, the Board must find, under 25-352(a)(4), that the continuation of the Moratorium would be appropriate under at least two of the appropriateness standards listed in 25-313(b). The Petitioners believe the renewal of the Adams Morgan Moratorium Zone should be renewed based on conditions to be addressed under:

25-313(b)(2) The effect...on peace, order, and quiet, including the noise and litter provisions set forth in 25-725 and 25-726; and

25-313(b)(3) The effect...upon residential parking needs and vehicular and pedestrian safety; and

25-314(a)(4) Whether issuance of the license would create or contribute to an over concentration of licensed establishments which is likely to affect adversely the locality, section, or portion in which the establishment is located.

1. Additional ABC-licensed establishments in this Zone will adversely affect the peace, order, and quiet of the residents of this section of the city.

As a long-time neighborhood civic association in Adams Morgan, much of the focus of the KCA is on quality of life issues and seeking protections for the residential community to allow quiet enjoyment of their homes. Based on the 2000 Census, there are approximately 16,000 people living in Adams Morgan. Roughly a rectangular shape, its many apartment buildings, co-ops, condominiums and large stock of three and four story row-houses make this one of the more densely populated sections of the city. Because so many people are living in such close quarters with each other it is all the more important to protect against disturbance to the peace, order and quiet as provided in ABC law.

Further, it must be noted that the mixed-use C-2-A and C-2-B zones, which contain all but one of the

licenses currently inside the Adams Morgan Moratorium Zone, also contain many large residential apartment and condominium buildings in the 1600-1800 blocks of Columbia Road, and in the 2000-2300 blocks of 18th Street. The residents of these mixed-use areas must be protected against further inappropriate ABC-licensed expansion nearby, as many of the remaining non-ABC storefronts would be unsuitable uses, because they lack the necessary infrastructure such as any additional public parking, service alleys, loading zones and adequate sidewalk egress. At the time of this writing, there are 71 active class C and D retailers (with 5 class C in safekeeping) located within the Moratorium Zone. Without pointing a finger at any one establishment, or group of similar establishments, or establishments with a particular type of cuisine or musical offerings, but taking the grouping as a whole, one begins to understand the cumulative effect that so many establishments bring to bear in such a small area.

A.) The peace, order and quiet is disturbed in multiples of 71 as those establishments' trash dumpsters, and recycling containers are filled (at all hours of the day and night) and emptied by noisy trash compacter trucks, three, four, and five times a week.

B.) Sadly, many of the establishments are unwilling or unable to keep their refuse in an orderly manner. It is a common sight to find overflowing dumpsters with food and other trash on the ground or easily accessible to rats, which continue to be a major problem.

C.) Because many ABC establishments have occupied more of their lots (by building to the property lines) than is permitted under Zoning law, most of their dumpsters sit illegally on public space in the alleys, blocking free passage of trash and delivery trucks and neighboring residents, many of whom access their parking through these same alleys. This leads to honking battles as one or another truck or car attempts to navigate a packed alley, or the automatic beeping that is a safety feature built into most trucks as they back down the length of an alley to avoid an obstruction. The dumpsters' location on the public alleyway also defeats any attempt the city might make to clean the alleyway.

D.) Despite the efforts of some individual business owners, whether they are ABC licensees or not, the vast number of patrons of the combined establishments overtaxes the ability of business owners to keep the sidewalks and streets and curbs clean. The public refuse containers are often full before the crowds arrive on a Friday or Saturday night. Some small business owners use them instead of hiring a proper trash removal service. The result is overflowing public trash cans, and once that happens, casual visitors often tend to litter with whatever disposable items they are carrying.

E.) Because of the entertainment orientation of many establishments, some of our own licensees, but mainly others from around town see Adams Morgans' ABC patrons as a market to be tapped. It is routine for parked cars to be "flyered" with advertisements for other ABC establishments not only on the commercial streets, but on block after block of residential streets as well. Most of this slick printed material winds up either "glued" to windshields after a rain or lying in the street or gutter and clogging storm drains.

F.) Carry-out pizza by-the-slice businesses have developed as a by-product of the vast mass of ABC patrons who are mainly drinking in the hours between 11:00 pm and 2:00 or 3:00 am. Many of these folks exit licensed establishments and misguidedly believe that a slice or two of pizza will sober them up. These businesses stay open until after ABC closing time, strictly to serve outgoing ABC patrons. It is a common sight to see 18th Street partially blocked by a crowd of eager pizza buyers, numbering in the hundreds, who proceed to sit on the curb, in establishments' closed sidewalk cafes, on door stoops and on the hoods of cars to eat their slice of pizza and in far too many cases, discard part of it (providing more food for rats) and the paper plate and the foil wrapper and paper napkins anywhere they happen to be, from the pizza joint, right up to where they left their car on the nearby residential streets. While this may be a perfectly legal business that has nothing to do directly with ABC law or establishments, those of us who have to deal with the results of their operations know that without the late-night scene such businesses could not survive and prosper. They exist as a direct result of the concentration of ABC establishments.

G.) With the total combined occupancy of ABC-licensed seats in the Moratorium Zone at 7,400, on a busy night, with many establishments full or overcrowded, not to mention the normal life of the neighborhood and the fact that there are numerous non-ABC delicatessens, carry-outs, fast-food, and other small restaurants, there may be upwards of 10,000 persons in establishments or out walking around on 18th Street and Columbia Road. This creates a dull roar that combined with the gridlocked traffic and incessant honking, provides the backdrop for the other major source of noise disturbance: licensed establishments that insist on keeping doors and windows open, and blaring the sounds of recorded or live music out into the neighborhood in an effort to attract patrons to their establishments. It should be noted that in almost all cases where this occurs the establishments are in violation of their voluntary agreements, not to mention ABC regulations and city noise ordinances.

H.) To a lesser extent, there are also problems associated with the "A" and "B" establishments. First, it should be noted that there are adequate numbers of these licensees apart from the "C"s and "D"s (currently a total of 14) to meet the legal basis for seeking a moratorium for a "section" under 25-352(d)(2). There is a persistent problem of public alcohol abuse, exhibited by obviously intoxicated persons passed out on the public sidewalks, behind commercial buildings, in public parks and even on school grounds. Public urination, defecation, drunken fights and rooting through dumpsters for food and leaving a mess behind are some of the effects not only of an excessive number of locations to purchase alcohol, but of some licensees who make their living off less fortunate people living with a disease, who are often homeless. The sale of single containers of beer, cheap wines, and fortified beverages also contribute to this pernicious problem.

I.) The presence of so many on-premises retailers in such a concentrated area has led to too much competition for patrons, to the point that drinks are widely discounted at many "happy hours," two-for-one drink specials are routine, and some establishments even feature a three-for-one special. Many patrons make their way from establishment to establishment, and not many operators are willing

to turn away paying customers, even though they have been over-served elsewhere. These over-served persons then become easy targets for robbery or mugging as they make their way back to their vehicles parked on the residential neighborhood streets late at night. As they leave the neighborhood, they are a danger to themselves and others as their judgment is impaired by over-service. Residents are routinely disturbed late at night as boisterous patrons loudly make their way back to their vehicles.

J.) Car-jockeying, where mini-entrepreneurs loudly and aggressively "help" visitors into a parking space with the implied threat of "watching the vehicle" to induce a tip, aggressive panhandling, street "musicians" loudly playing electric guitars, trumpets, saxophones, etc., loitering, property damage to vehicles, front yards and plantings of both businesses and residents are some of the routine instances of petty crime that are common.

K.) Serious violent crime, though not common, continues to be a concern. Shootings, stabbings, and other assaults have plagued a small number of establishments over the years, and are an obvious danger to the community at large. Police reports will be offered as evidence.

2. Additional ABC-licensed establishments will have a severely negative impact upon residential parking needs and vehicular and pedestrian safety.

Parking in the residential streets of Adams Morgan is inadequate to cope with the needs of its residents. In recent years, Adams Morgan has become an increasingly popular place to live. There is a fine stock of turn of the (20th) century row houses and town homes, distinguished old apartment buildings, (some converted to condominiums or cooperatives) and interesting architecture, from Art Deco to Georgian. Adams Morgan has long been a racially and ethnically mixed community and this is reflected in our many interesting non-profits, from the Spanish Education Development (SED) Center, to Marys' Center, (a clinic for maternal and child care) to Jubilee Housing (which runs a large subsidized housing program) to the Patricia M. Sitar Center for the Arts, (which runs music, dance, visual arts, and drama classes for under-served youth in Adams Morgan and nearby neighborhoods). This mix is also shown by the variety of some of our local small businesses and ethnic restaurants. The areas' proximity to the downtown employment district also contributes greatly to its attractiveness as a residence district.

All these things that make Adams Morgan a popular and interesting place to live bring in additional residents, and, with these new residents, come cars. There is intense competition for street parking. Zoned neighborhood parking plans which limit out-of-zone parking to two hours for much of the day (until 8:30 pm) are in effect throughout the neighborhood. In the whole of Adams Morgan, ***there are only 312 metered spaces for cars, and 11 for motorcycles, on 18th Street, Columbia Road, California Street and Kalorama Road, and a few of the other side streets.*** There is one 3-level commercial garage with space for 249 vehicles a half block off the 2400 block of 18th Street. There are a few small surface lots associated with specific businesses. The Washington Hilton Hotel has some paid parking available, but it is generally used for its own events, guest and employees. At the extreme southwestern end of Adams Morgan, at Connecticut and Florida Avenues, there is the Universal Office

Building garage, but it is under-utilized because of its distance from 18th Street, cost, and incompatible hours of operation.

Properties on Champlain Street, NW formerly used as surface parking lots for restaurant and bar patrons have been converted to residential condominium buildings in the recent construction boom. The parking lots that many ABC licensees claimed as available patron parking in their ABC license applications no longer exist. This loss of off-street parking has been one of the chief contributors to the disappearance of on-street parking in the Reed-Cooke and Kalorama neighborhoods of Adams Morgan.

Another factor contributing to the shortage of on-street parking in Adams Morgan is a change in the nature of the apartment rental market. Units that were previously rented to recent college graduates, interns, artist, clerical workers and store clerks who often did not own cars, are now inhabited by more wealthy young urban professionals, who have driven up rental prices and moved in to Adams Morgan with their automobiles. This new group of car owners has increased the pressure on the already limited stock of on-street parking spots.

Current valet parking at 1701 Kalorama Road for up to 400 restaurant and bar patrons' cars on a busy night is today a contested Board of Zoning Adjustment case (BZA#17095). The operator is seeking three special exceptions to the requirements of the Reed-Cooke Zoning Overlay District (DCMR Title 11, Chapter 14). The RCNA is protesting the case, as the use has serious impact on the neighboring residents. The loss of this parking facility will seriously limit valet parking operations in Adams Morgan, and will force even more restaurant and bar patrons to compete for the very limited on-street parking. Further, this building at 1701 Kalorama Road is the subject of preparatory work for renovation into 49 residential condominium units. The developer, Faison Development Inc., has applied for special exceptions and variances with the BZA to proceed with the renovation. Faison Development Inc. has indicated that as soon as they obtain title to the property, which is anticipated this May, they will start the renovation work and will cease all valet parking operations.

While the construction of the garage at the Lofts at Adams Morgan just off 18th street was to provide 250 parking spaces for restaurant and bar patrons, construction of this garage has not had a sizable impact on the neighborhoods' vehicle parking problem. Instead of being substantially available for visitors to Adams Morgan, much of the parking has been given over to monthly residential contract parking, again putting the visitors in competition for the very limited on-street parking.

The parking needs of the combined ABC-licensees (over 7,400 ABC-licensed seats inside the moratorium zone) and their employees put a heavy burden on neighborhood residents. It becomes very difficult to entertain friends and family when there is no place for them to park, particularly on the weekends. Residents think twice about doing ordinary errands or going out of the neighborhood socially if that requires driving, because of the difficulty of finding a parking space on their return. The area that is impacted by ABC licensees' need for parking is huge, stretching from 18th Street to as far

away as 24th Street in the Sheridan-Kalorama neighborhood.

The center of Adams Morgan (18th Street and Columbia Road) is located roughly equidistant from the Dupont Circle and Woodley Park Metro Stations (both on the Red Line). Two major Metrobus routes (42, 45 and 90, 92, 93) traverse Columbia Road and 18th Streets, respectively. In addition, there is the smaller "Link" Metrobus that runs between the Woodley Park and U Street (Green Line) Metrorail Stations. It runs across Calvert to 18th, south on 18th to U Street and east to the U Street Station at 13th Street, NW. All of this public transportation is a critical part of the economic and social fabric of our community, but in the vast majority of the cases, patrons of the "C" and "D" licensees seem to arrive by car.

Specific negative impacts contributed to, or caused directly by ABC-licensed establishments' need for parking:

A.) Significant traffic congestion, particularly Thursdays through Saturdays. On many Friday and Saturday nights, from 11:00 pm to 3:00 or 3:30 am, 18th Street and its feeder side streets from Florida Avenue to Columbia Road often become gridlocked. The Metropolitan Police Department (MPD) sometimes actually closes off sections of 18th Street, either at Florida and Columbia, or at Kalorama and Columbia. The traffic is then diverted, east and west. When this is done at Kalorama, the diversion is like rush hour through residential streets in the middle of the night. The closure allows Metrobus, Police, Fire and EMS vehicles to pass through 18th street in a reasonable fashion, but in so-doing puts a large burden on other parts of the residential neighborhood.

B.) When 18th Street is gridlocked and MPD is not able to respond in a timely fashion, or at all, because of manpower problems, the congestion on 18th Street and some of the feeder streets, such as Kalorama Road and Belmont Road become a danger to public safety. An emergency vehicle caught in traffic on 18th Street cannot timely respond to public safety needs, either in connection with the many ABC establishments or to residents in their homes nearby.

C.) Alcohol and automobiles can be a dangerous mixture. When they are combined with Adams Morgans' narrow and congested streets and sidewalks, filled with patrons of the many establishments, vehicular and pedestrian safety are put at serious risk as drivers,pp eager to park, search aggressively for anything that might be considered to be a parking place. In numerous places, 18th Streets' narrow sidewalks simply cannot hold the crowds. To get by, it is routine for pedestrians to step out into the driving lanes, where they mix with the aforementioned drivers seeking parking.

D.) During the daytime, deliveries to the many establishments cause disruption to the flow of traffic on 18th Street and Columbia Road. Huge tractor-trailers from alcohol distributors and restaurant supply companies routinely double-park, blocking traffic lanes and curbside parking alike. On the 1800 block of Columbia Road, where there is a central "turn lane" striped on the street, large trucks often use it to unload, obscuring oncoming traffic from pedestrians using three

nearby crosswalks. One of these is at Belmont and Columbia, which provides access to Kalorama Park, and is heavily used by children and parents. There is a tot-lot play area for young children which is very popular, and is frequently used by Amazing Life Games, a small pre-school located on nearby Mintwood Place.

E.) During the busiest nights, legal parking is so scarce that fire hydrants, pedestrian crosswalks and Metrobus zones are routinely obstructed. Drivers park too close to intersections, making cornering difficult. Illegal parking in alleys further endangers residents by blocking clear passageway for emergency vehicles. Private driveways and garages are often blocked.

F.) Valet parking concerns often "dump" vehicles in the public alleys when they run out of spaces for which they have made a legal arrangement. These valets, who pick up in front of a very limited number of establishments (5) routinely block the right lane of traffic in carrying out their operations. On 18th Street, in front of 2424, the back-up of vehicles waiting for the valet service often blocks the only southbound traffic lane at some of the busiest hours when the street is at its most congested. This results in drivers in the southbound lane veering out into oncoming northbound traffic to get around the blockage. At community meetings, police and residents have often discussed the valets putting cars in the first available street spot they see, instead of removing the vehicles to some off-street location.

G.) Taxi-cabs are a major additional source of traffic congestion, noise (from unthinking honking) and air pollution as they endlessly circle, seeking fares. On residential side streets, like Biltmore, Belmont, Kalorama and Wyoming, it is a common sight to see ten or more empty taxis seeking to get onto 18th Street at 1:00 or 2:00 am.

3. Issuance of further licenses of Class A, B, C, or D (with the previously noted exceptions) within the area that currently encompasses the Adams Morgan Moratorium Zone would further create and further contribute to an over concentration of licensed establishments which adversely affect the section in which the establishment(s) would be located.

No other area of the city has so many licenses crammed into such a small area. Other areas which have previously been granted Moratorium protection by the Board may contain more licenses, like Georgetown, but the moratorium zone there covers a larger area (1800 foot radius). Areas such as the two Dupont Circle Moratorium Zones, which cover only 600 foot radii, also contain far fewer licenses, singly, or combined, than the proposed renewal of the Adams Morgan Zone. For example, the East Dupont Moratorium Zone contains a total of only 19 ABC licenses. The Glover Park Moratorium Zone is the closest in size (1200 foot radius) to Adams Morgans' 1400 foot radius and it contains a total of only 21 licenses.

Comparison of Moratorium Zones, City-Wide

<u>Moratorium Zone</u>	<u>Affected Area</u>	<u>Class A</u>	<u>Class B</u>	<u>Class C</u>	<u>Class D</u>	<u>Total Licenses</u>
Adams Morgan	1400' r.	4	10	69	2	85
Dupont, East	600' r.	2	2	13	2	19
Dupont, West	600' r.	2	5	24	2	33
Georgetown	1800' r.	5	6	77	6	94
Glover Park	1200' r.	1	5	14	1	21

The Petitioners believe that the present conditions in the Adams Morgan Moratorium Zone area, as detailed above (and as required by 25-303.3) justify an extension of the Moratorium. The Petitioners believe that the renewal of the Adams Morgan Moratorium Zone as proposed in these pages is necessary to prevent more significant adverse impacts on the "section" in which these establishments would be located, as detailed in Sections 1 and 2 above. The issuance of further licenses in the Zone would only exacerbate and make more severe the problems that already affect our neighborhood.