

Testimony by Abigail C. Nichols, SP-1 Resident
Hearing on District of Columbia Proposed Zoning Regulation Rewrite
April 24, 2014 before the Zoning Commission of the District of Columbia

I speak in opposition to allowing “drinking” in the new M2 and M 16 zones. Please tell me that I have misunderstood, and that the rewrite does not allow alcohol establishments in zone M2 and M16. I will step down and say no more.

I am Abigail Nichols. I live at the Palladium Condominium, 1325 18th St., NW, which is located the SP-1 zone. I am also the Commissioner for Advisory Neighborhood Commission Single Member District 2B05. There is a good deal of land zoned either SP-1 or SP – 2 in my SMD.

I speak as an individual at this hearing. While ANC2B supported the zoning rewrite, I cannot believe that they addressed the fact that the proposed rewrite will open large portions of ANC 2B to taverns and bars as a matter of right. I was unable to participate in ANC 2B’s deliberations.

My request is this: Do not make it easier through zoning for there to be alcohol licenses in new areas of the city. The structure of alcohol licensing in the District of Columbia is such that if alcohol licenses are allowed at all, there will be no controls on the business within the maximum allowed. Yes, it looks as if the Alcoholic Beverage Regulation Administration can deny or restrict licenses where inappropriate, this is a false assurance. Any disapproval of a license or restriction of hours or service including music in outdoor areas or other conditions of service are only achieved, if achieved at all, through an incredibly burdensome process which falls to the residents most affected by the change. They cannot always rise to the challenge. If they do spend hours and hours trying, they may achieve nothing.

I know because I have been trying to protect myself and my neighbors at the Palladium from excesses related to alcohol service since 2008.

First we at the Palladium spent six years minimizing damage to our peace order and quiet as three alcohol establishments took over space that had previously been used for offices, a cleaners, and a lunch space. These were located in a commercial zone across from the Palladium. The businesses front Connecticut Avenue but the back doors on 18th Street face wide public space that the new owners found idea for outdoor patios. We managed to restrict the hours of patio service so that they close at 10:30 – we’re still disturbed but we live with it

Now since last fall we have taken on a new challenge: trying to reduce the disturbance that amplified music from roof decks in the commercial zone to the south of Palladium is causing residents living in Jefferson Row Condominiums and the Palladium and will cause those living in 70 new residences being built on the 1700 block of N Street. Five of six bars with roof decks have agreements to minimize noise coming from the roof decks. There’s also the DC Noise Control Act, but the noise still blasts and we are hard-pressed to figure out how to get it reduced. For information on how difficult this has been, the hours we’ve spend with little progress to date please visit our website DCNightLifeNoise.com.

The process of protecting residents under existing alcoholic beverage control law, regulations, and procedures is exhausting and ineffective. Do not expand the threat to residents by opening up our own blocks to the possibility of alcohol licenses.

Do not think that allowing alcohol service at restaurants would provide a nonproblematic amenity. Make no mistake; there are no controls in place to keep restaurants from morphing into night clubs. Restaurants apply for licenses with maximum hours and once granted, the late night program can become a night club not restaurant. All they have to do is meet a per seat food service requirement during the day and have a kitchen offering some food until two hours before closing and anything else. Thank you for all you and the Office of Planning have done to inform the public about this process. Until today I have been too preoccupied with alcohol license applications and renewals to look at what is proposed for the SP zones. The ANC 2B Zoning Regulations Review Summary that was sent out in February 2014 is excellent. However, it doesn't address my concerns about alcohol businesses, and in my judgment it is one of the biggest changes. I've been on the edges of the zoning discussion – one neighborhood meeting, a ward meeting, and a recent Zoning Commission hearing. I never heard this come up once until a couple of weeks ago.

Do not allow this. Tell me this is not happening. Thank you.

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