



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Dupont Circle Advisory Neighborhood Commission 2B

November 16, 2017

Chairman Donovan Anderson
Alcoholic Beverage Control Board
Reeves Center
2000 14th Street NW
Washington, DC 20009
abra.legal@dc.gov

RE: Request for Legal Opinion Regarding Proposed Operational Changes at 2147 P Street NW

Dear Chairman Anderson,

At its regular meeting on October 11, 2017, the Dupont Circle Advisory Neighborhood Commission (“ANC 2B” or “Commission”) considered the above-referenced matter. With 6 of 9 Commissioners in attendance, a quorum at a duly-noticed public meeting, the Commission approved the following resolution by a vote of (6-0-0):

WHEREAS, ANC 2B has had several recent interactions with the owner, operator, and developer of 2147 P Street NW,

WHEREAS, ANC 2B is currently a party to the protest of the renewal of the tavern application at the premises,

WHEREAS, ANC 2B understands that there are current renovation/development plans for the premises which have received Historic Preservation Review Board and Board of Zoning Adjustment approvals, though the zoning approval has not yet been formalized,

WHEREAS, operating under the assumption that the renovated building will proceed according to plan, there will be changes to the license and practical impacts to the neighborhood from the operation of a tavern on the premises,

WHEREAS, the changes described to the ANC are as follows:

- the current tavern at the establishment will end operations,
- the tavern license will be transferred to a new entity partially sponsored by the developer and will go into safekeeping during construction,

- when the renovated building is nearing completion, the new entity will request changes to the tavern license which will include:
 - a change in format to what is currently conceived of as a digital arts space,
 - a change in location of the establishment from the entire premises to a newly constructed cellar on the premises, with the remainder of the premises consisting of apartments and a retail space which will likely be a restaurant. The occupancy load of the establishment will likely decrease,
 - a reduction in food service,
 - a change in trade name, though the ownership change will have occurred a year prior,

WHEREAS, ANC 2B believes that the changes as described would constitute substantial changes based on guidance in DC Official Code § 25-762, but understands that the ABC Board must review the facts of each particular case in order to determine whether a substantial change needs to be placarded when the establishment is ready to open after the renovation/development,

WHEREAS, ANC 2B is concerned with the peace, order, and quiet implications of the forthcoming changes in operation of the license and would like to address those concerns in a timely manner, but is hesitant to begin negotiating a revised settlement agreement with the forthcoming establishment because the new establishment will not have a physical space for at least 18 months,

WHEREAS, guidance from Alcoholic Beverage Regulation Administration staff was not definitive with regards to whether the changes as described would be placarded as substantial changes at the appropriate time, and

WHEREAS, ANC 2B would appreciate further clarification on how licensing for multiple establishments at the same address works, as that is likely to occur at the 2147 P Street NW premises.

THEREFORE, BE IT RESOLVED that ANC 2B seeks a legal opinion from the ABC Board regarding whether the changes at 2147 P Street NW as described in this letter would constitute a placarded substantial change and thus allow for a public review process at the appropriate time.

Due to his position on the ABC Board, Commissioner Silverstein did not participate in this discussion.

Commissioners Daniel Warwick (daniel.warwick@dupontcircleanc.net) and Nicole McEntee (nicole.mcentee@dupontcircleanc.net) are the Commission's representatives in this matter.

ON BEHALF OF THE COMMISSION.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole", with a long horizontal flourish extending to the right.

Nicole McEntee
Chair