



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

January 16, 2026

Chair Donovan Anderson
Alcoholic Beverage and Cannabis Board
Reeves Center
2000 14th Street NW
Washington, DC 20009
abca.legal@dc.gov

**RE: ABCA protest hearing regarding Skybox, LLC t/a Onyx Rooftop Lounge
(ABRA-130390)**

Dear Chairman Anderson,

At its regular meeting on January 14, 2026, the Dupont Circle Advisory Neighborhood Commission (“ANC 2B” or “Commission”) considered the above-referenced matter. With 9 of 9 Commissioners in attendance, a quorum at a duly-noticed public meeting, the Commission approved the following resolution by a vote of (8-0-0):

Pursuant to D.C. Code § 25–609, this letter conveys the comments and recommendations of the affected Advisory Neighborhood Commission, ANC 2B, regarding the alcoholic beverage license application of Skybox, LLC t/a Onyx Rooftop Lounge (ABRA-130390), located at 1813–1815 M Street NW within 2B05, within the Dupont Circle neighborhood.

The Commission submits these comments to ensure that the Board’s review fully accounts for (1) the documented history of noise impacts at this exact location, (2) the zoning framework governing the Dupont Circle Mixed-Use area, and (3) significant new residential development immediately adjacent to the premises, which will further intensify the sensitivity of the surrounding area to noise and late-night activity. As such, our recommendation is for the Board to encourage the licensee to sign the settlement agreement as proposed by ANC 2B, and in the event they refuse to do so, issue a board order requiring the licensee to comply with the conditions in ANC 2B’s proposed settlement agreement.

Onyx operates at the same address, physical location, and rooftop (“Summer Garden”) previously occupied by Ozio Martini & Cigar Lounge, an establishment whose operations were the subject of extensive Board proceedings (Order Nos. 2014-315, 2014-366 et al.) and formal findings related to amplified music, rooftop noise, and disturbances to nearby residential properties including the Jefferson Row Condominium at 1830 Jefferson Pl NW, which was established in 2006. Those impacts were not speculative; they were established through testimony and evidence and resulted in Board-imposed conditions.

Since Onyx began operating at this site, the Commission and nearby residents have observed the same pattern of noise-related problems, including amplified music and late-night noise disturbances (§ 22-1321(d) and 20 DCMR § 2700.14) emanating from rooftop and outdoor areas.

While the licensee has changed, the physical configuration of the building, its rooftop spaces, and its proximity to residential uses remain largely unchanged, and the underlying compatibility issues therefore persist. It is important to note that the licensee has also failed to resolve these issues in a Settlement Agreement after many months of efforts from ANC 2B.

The Onyx premises are located within the Dupont Circle Mixed-Use zoning framework, governed by Title 11, Subtitle G, Chapter 3 of the Zoning Regulations of 2016. These provisions apply to the MU-1/DC, MU-2/DC, MU-4/DC, MU-5A/DC, MU-6B/DC, MU-8B/DC, MU-9B/DC, and MU-10/DC zones and are expressly intended to provide heightened protections for the Dupont Circle area as a unique and predominantly residential resource.

The stated purposes of these zones include, among others:

- Preserving and enhancing Dupont Circle as a unique District resource;
- Enhancing and protecting residential uses, including light, air, privacy, and quiet;
- Preserving open gardens and backyard spaces, and the residential amenity they provide.

The zoning regulations further require that development and activity within these zones be compatible in scale, intensity, and character with surrounding residential uses. While zoning permits a mix of commercial and entertainment uses, it does not contemplate — nor excuse — operations that undermine residential livability or conflict with the explicit intent to protect quiet enjoyment in a mixed-use but residentially focused area.

Importantly, the zoning framework reflects a District policy judgment that Dupont Circle is not a generic commercial corridor, but an area where residential uses are integral and deserving of special protection. That policy context is directly relevant to the Board's analysis of peace, order, and quiet. In Ozio, the Board acted to protect residents of the Jefferson Row Condominium (1830 Jefferson Pl NW) from noise disturbance when the premises were located in a DC/C-3-C commercial zone; these protections must increase when the stated intent of the current Dupont Circle Mixed-Use Zone (MU-9B) is to enhance and protect residential uses.

The Commission also wishes to highlight a major new residential development immediately adjacent to the Onyx location. The historic Ring Building at 1200 18th Street NW, at the intersection of 18th and M Streets, is currently being converted by The Davis Companies into 166 residential units, with anticipated delivery in mid-2027.

This project will introduce a substantial number of new residents — including studios, one-bedroom, and two-bedroom apartments — approximately 15 feet from the Onyx premises. While the redevelopment also includes ground-floor retail, the primary use of the building will be residential, and residents will reasonably expect the protections afforded by both zoning policy and District law. If residents 100 feet away from Onyx are consistently disturbed by the noise that Onyx is making, how much more so for an apartment whose windows are only 15 feet away from Onyx.

This conversion reflects a broader District trend toward office-to-residential adaptive reuse, particularly in the Golden Triangle and Dupont Circle areas. As this transition accelerates, the compatibility of nightlife and entertainment uses with residential living becomes even more critical. Noise impacts that were problematic in the past will be magnified as additional residents move into immediate proximity.

ANC 2B believes it is essential that the Board view this application through the lens of the District's Housing in Downtown (HID) Program, administered by the Deputy Mayor for Planning and Economic Development. The HID Program is not aspirational or speculative—it is a funded, regulated, and actively implemented District policy designed to transform downtown and adjacent neighborhoods into true residential communities, supported by \$41M in tax abatements by FY28.

Through the HID Program, the District has committed to bringing 15,000 new residents downtown by 2028, primarily through office-to-residential conversions. This policy reflects the District's determination that long-term economic recovery depends on downtown being a place where people can live successfully and comfortably, not merely work during the day or visit at night.

The District has further recognized that residential growth downtown must be supported by predictable, livable conditions, including the ability for residents to sleep, work from home, and enjoy their homes without persistent late-night disturbances. In this context, the compatibility of nightlife establishments with nearby residential uses is no longer a peripheral issue—it is central to the success of District housing policy.

ANC 2B is also concerned about the compounding effects of the Summer Garden and Recorded Music endorsements currently requested by a cannabis retailer, the District Wellness Center (ABRA-127952, Growth & Wellness LLC) at 1815 M Street NW. Space for the outdoor consumption and smoking of cannabis 15 feet away from residential apartments, combined with amplified or recorded music presents a materially different and more intrusive impact than indoor retail operations, especially in a dense, mixed-use corridor with immediate residential adjacency. When layered onto the existing rooftop noise disturbances at the same address, these endorsements risk extending noise disturbances and the spread of cannabis smoke on the rooftop Summer Garden, reducing residents' ability to enjoy their homes, open windows, or sleep without disruption. In a neighborhood where the District is actively encouraging new residential occupancy through office-to-housing conversions, ANC 2B believes that adding another rooftop Summer Garden at this location significantly heightens the cumulative impact on peace, order, and quiet and warrants careful scrutiny and strict limitations, if permitted at all.

Given the documented history of noise disturbances at this address, the protective intent of the Dupont Circle Mixed-Use zoning regulations, and the impending increase in adjacent residential population, the Commission urges the Board to exercise heightened scrutiny in reviewing this application and in the event the licensee refuses sign the settlement agreement as proposed by ANC 2B, request a board order requiring the licensee to comply with the conditions in ANC 2B's proposed settlement agreement.

The Commission recommends, at a minimum, that any approval be conditioned on clear, enforceable, and meaningful operational limitations, including but not limited to:

- Onyx shall not generate amplified sounds that can be heard in a residence or dwelling;
- Onyx's entertainment hours in the Summer Garden shall cease at 10:00 p.m. seven days per week in order to prevent the pattern of consistent noise disturbances to residents;
- Onyx must keep its roof closed when it provides entertainment as defined by D.C. Official Code § 25-101(21A);

These recommendations are not intended to prevent lawful business operations, but to ensure that such operations are compatible with the residential character the zoning regulations are expressly designed to protect.

These comments are submitted pursuant to § 25–609(a) and therefore warrant great weight. They are grounded in the Board’s own history at this address, the governing zoning framework, and foreseeable future conditions in the immediate area. The Commission respectfully requests that the Board incorporate these considerations into its findings and any resulting order.

Thank you for your attention to this matter.

Commissioners Alex Marshall (2B05@anc.dc.gov) and Zach Adams (2B08@anc.dc.gov) are the Commission’s representatives for this matter.

ON BEHALF OF THE COMMISSION.

Sincerely,



Zachary Adams
Chair