DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

IN THE MATTER OF:

The Springs, LLC:
t/a The Springs:
1315 I Street, NW:
Retailer CT - ANC 6A:
License #120472:
(New Class CT License:
Application):

Wednesday
March 30, 2022

The Alcoholic Beverage Control Board met via WebEx videoconference, Chairperson Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
RAFI ALIYA CROCKETT, Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
JAMES SHORT, JR., Member

ALSO PRESENT:
MARK BRASHEARS, DC ABRA Investigator
SARAH FASCHAUGH, DC ABRA Staff
ANDREW KLINE, Applicant's Counsel
SHERENE JOSEPH, ANC 2F
CECILY MENDIE, Applicant
GERREN PRICE, Applicant
BRIAN ROMANOWSKI, ANC 2F
LATASHA STIGER, Applicant
ANNA VALERO, Applicant
CHAIRPERSON ANDERSON: The next case in our calendar is a fact finding hearing for The Springs, License No. 120472.

MS. FASHBAUGH: Please stand by. Anna Valero, your rights have been elevated. I'm still here, I'm looking for -- there are no members of the ANC -- oh, Sherene Joseph, your rights have been elevated. Cecily Mendie, your rights have been elevated. Those are all Mr. Chair.

CHAIRPERSON ANDERSON: Thank you. Hold on one moment.

MR. KLINE: Mr. Chairman, we're expecting a couple members from the Downtown BID, who are getting on right now, is my understanding.

CHAIRPERSON ANDERSON: All right, can they identify themselves, and I'll make sure that their rights are elevated? So, let us know who they are. I was just myself looking at the attendees just to see who else signed up too to be here today.

MS. FASHBAUGH: Latasha Stiger, your
rights have been elevated.

MR. KLINE: Looking for Mr. Gerren, he's the last one that we're looking for.

MS. VALERO: I believe Gerren is jumping on to Cecily's video. Cecily Mendie.

MR. KLINE: Great, perfect.

MS. VALERO: He's just coming out of another meeting.

CHAIRPERSON ANDERSON: Is this everyone? I mean do we have representatives? I think we have a representative from the BID, are there any representatives from the ANC? Is there anyone from the ANC who wishes to be --

MS. FASHBAUGH: Brian Romanowski, your rights have been elevated.

MS. JOSEPH: Hi, Chair Anderson, this is Sherene Joseph, chair of ANC 2F. I am present.

CHAIRPERSON ANDERSON: All right, thank you. All right. Good morning, everyone. The fact finding hearing -- if you have a camera, please, since your rights have been elevated, can you please let us see who we are talking to today? And I'm going to have everyone identify themselves for the record, and I'll start with
you Mr. Kline, since you are the designated representative of the licensee.

So, Mr. Kline, I will have you identify yourself for the record, start by spelling and stating your name for the record please.

MR. KLINE: Great, thank you, Mr. Chair. Good morning again, Mr. Chair, and members of the Board. Andrew Kline, A-N-D-R-E-W, last name Kline, K-L-I-N-E.

CHAIRPERSON ANDERSON: Good morning, Mr. Kline. Who is your client?

MR. KLINE: Ms. Valero, will you identify yourself, please?


CHAIRPERSON ANDERSON: Good morning. Let's start, let's go to the ANC. Let's have the ANC representatives, please.

MS. JOSEPH: Hi, Chair Anderson, my name is Sherene Joseph. That's S-H-E-R-E-N-E, my last name is Joseph, J-O-S-E-P-H. And I'm chair of ANC 2F. I'm also joined by my colleague,
Commissioner Romanowski.

CHAIRPERSON ANDERSON: Mr. Romanowski, can you please spell and state your name for the record, please?

MR. ROMANOWSKI: Yes, hi, good afternoon. I'm Brian Romanowski, it's B-R-I-A-N, and my last name is Romanowski, R-O-M-A-N-O-W-S-K-I, and I am the ANC commissioner for ANC 2F-01, and I chair our alcohol policy committee.

CHAIRPERSON ANDERSON: Good morning. Do we have someone from the BID? A representative from the BID?

MS. MENDIE: Hi, my name is Cecily Mendie. I am the Franklin Park manager with the DowntownDC BID. My name is spelled C-E-C-I-L-Y, my last name is M-E-N-D-I-E. And --

CHAIRPERSON ANDERSON: I'm sorry, you broke up, Ms. Mendie.

MS. MENDIE: I am --

CHAIRPERSON ANDERSON: Ms. Mendie, you're breaking up. Who are you again, ma'am?

MS. MENDIE: I am the Franklin Park manager with Downtown DC.

CHAIRPERSON ANDERSON: Thank you.

MS. STIGER: I am Latasha Stiger, L-A-
T-A-S-H-A, last name S-T-I-G-E-R. I work with events, and partnerships for DowntownDC BID.

CHAIRPERSON ANDERSON: Good morning. Is that it? Has everyone been identified? All right.

MR. ROMANOWSKI: So, we're still waiting for Gerren Price, our acting CEO, is that okay?

CHAIRPERSON ANDERSON: Yes, you can -- once that person is available, let us know, and we'll elevate his rights.

MR. ROMANOWSKI: Thank you so much.

CHAIRPERSON ANDERSON: Thank you. All right, this is a fact finding hearing. A license was requested by Ms. Valero, applied for retailer's class C license with an entertainment endorsement and a summer garden with 20,000 seats for Franklin Park, which is a National Park Service land, but under supervision of the District.

On our calendar today was a request from Ms. Valero. She had requested a one-day temporary license. And it was also -- the agency was informed overnight that the licensee wanted to change her request from a one-day temporary
license to a -- from a temporary license to a
one-day substantial change for her license at I
think Kraken Axes, I believe that's the name of
the establishment.

The Board this morning decided that we
were not going to honor the request to make the
change, because the request that was made was not
timely. As you're aware, all requests for
substantial change or one-day, there is a
specific timeline for those requests to be made.
And the request that came into the agency came
into the agency overnight. And so, therefore,
because it was not timely made, we are not going
to consider that request based on timeliness.

So, I just need to get some
clarification, then. Ms. Valero, are you still
pursuing a temporary license, or this event --
are you still pursuing your temporary license?
Because we need to get some -- the Board has not
made a determination on that request.

And so since we're having this fact
finding hearing today, the Board intends to ask
some questions regarding the one day temporary
license that you had requested for April 2nd,
2022, for 500 attendees.
MR. KLINE: Yeah, if I may, I'd just like to give an overview, and then I'll turn it over to Ms. Valero and others to discuss the specifics.

CHAIRPERSON ANDERSON: Go ahead.

MR. KLINE: Franklin Park, it has been unfortunately an underused, underutilized facility in the District of Columbia for as long as I can remember. And when I started practicing law, more years ago than I want to say, my office was at 15th and K. And Franklin Park was a scary place, and it's continued, for the most part, unfortunately, to be somewhat of a scary place.

The objective here, which is the goal of the BID, and also my client, is to activate the park. A lot of money has been spent refurbishing it, remodeling it, making it nicer. But physical improvements alone, as we've learned over many years, and countless attempts to make it an attractive place, aren't going to get it done.

It needs to be activated, it needs to be programmed. There need to be reasons why people will come there, and spend time in this wonderful tract of large land in downtown D.C.
And I know the BID very much wants that, and as I said, you'll hear from them. And my client very much wants the opportunity to assist them with that.

We've been at this for some time, we have a license application pending. I urge the director to go ahead with placarding so we could move this forward. He advised that you wanted to have a fact finding hearing before it could be placarded, but all of it has put us behind the eight ball, and we've been working with the agency to get this space activated as quickly as possible.

Which is the reason for the temporary request, and there was a thought late to change it to a one day substantial change, it was thought that that would better facilitate what was intended. But overall, that's the goal. The goal is let's make this a place that's not just pretty, but a place that people have a reason to come to.

And it's the goal of the BID, and Ms. Valero's company to turn this park into that place, and that's why we're here today.

CHAIRPERSON ANDERSON: Mr. Kline, I
I think you might have forgotten what I stated.
The purpose of this fact finding hearing is because Ms. Valero, The Springs applied for a permanent retailer class C tavern with an entity of endorsement, and summer garden with 20,000 seats for Franklin Park. So, a permanent license asking for 20,000 seats.

So, the Board wanted to get more information because this is more so unique because this is a facility that's owned by the federal government, by the National Park Service. So, we're trying to get some clarification whether, or not this licensee can even apply to have a license on a National Park Service land.

And so, prior to the Board making a decision whether, or not to even placard this decision to allow the community for input, we need to find out whether, or not this licensee has the legal capacity to even apply for a license to serve alcohol in this area. And even if they have that capacity, the 20,000, is that even a feasible number for us to approve?

So, we're just gathering facts for us to see whether, or not, if we have enough information, then of course the Board will vote
to allow the process to go through. Meaning that
if we have enough information, then the Board
could vote to say it can be placarded for the
community to have community input. But it
doesn't make sense for us to have the community
input on the license if this licensee is not
authorized to have a license on this facility.

And so, after the request was made for
the permanent license, the licensee also wanted
to have an event on April 2nd, and a one day
substantial change -- I'm sorry, a temporary
license was timely filed for this area, and the
Board was willing to move forward on that issue.
However, overnight the licensee reached out to
the agency, and said by the way, I'm no longer
requesting a one day temporary license.

I now want to convert this to a one
day substantial change, so I can use my current
license, which is separate, and independent. I
want to use my separate license on this facility.
The Board, on timeliness, decided that we're not
going to consider that request because it was
untimely made. Not that it was not meritorious,
but just it was untimely made.

And so, because we have this fact
finding hearing today, we decided that since all
the parties are here, let's get some
clarification from the licensee. Now that we
have -- based on timeliness, we are not going to
consider the substantial change. Does she want
to move forward with the original timely filed
license for a temporary license?

MR. KLINE: Mr. Chairman, thank you
for that, I appreciate that. But for the record,
the request to change it to a one day substantial
change was made last Tuesday, eight days ago. It
was not made overnight. And we've been pushing
the agency to get it before you. Just for the
record, I don't want it to sound like we came in
last night, and made this request, it was made
eight days ago.

But be that as it may, I appreciate
the setup that you've given, and I turn it over
to the others to address the issue.

CHAIRPERSON ANDERSON: But Mr. Kline,
that is -- if the Board made the decision not to
move forward with that application on timeliness,
because it was untimely filed, if you're saying
that it was filed timely, then that's a different
analysis. Because the Board did not make any
type of substantive decision on the one day
substantial change.

The decision was that because it was
not timely filed, we would not, and the public
agenda that the Board has states that there is a
one day -- I'm sorry, it's a temporary license,
that is what is on our public agenda. There is
nothing on our public agenda for a one day
substantial change. Okay? I just wanted to
state that.

MR. KLINE: I'm sorry. I just wanted
to clarify from our standpoint, we didn't --
nobody ran in here yesterday, and expected your
agency to do something within 24 hours. The
request was made last week.

CHAIRPERSON ANDERSON: All right, so

--

MS. MENDIE: Excuse me, Mr. Anderson,
excuse me, I apologize for interrupting. I just
wanted to let you know that Mr. Gerren Price is
on the call now.

CHAIRPERSON ANDERSON: Ms. Fashbaugh,
can you elevate the rights of Mr. Gerren Price?

MS. MENDIE: Gerren Price.

CHAIRPERSON ANDERSON: Gerren Price
please.

MS. FASHBAUGH: This has been accomplished.

CHAIRPERSON ANDERSON: Thank you. Mr. Price, can you please spell, and state your name for the record, and your relationship sir?

MR. PRICE: Yes, sure thing. And I apologize, it's saying that my settings are not set to allow video. I'm going to figure that out in a second. But my name is Gerren Price. Gerren is spelled G-E-R-R-E-N, last name Price, P-R-I-C-E. And I am the acting president, and CEO of the Downtown D.C. Business Improvement District.

CHAIRPERSON ANDERSON: All right, thank you sir. Where is Ms. Valero?

MS. VALERO: I'm still here.

CHAIRPERSON ANDERSON: All right, so do you still want to move forward with the temporary -- the license for a temporary license to have this event on April 2nd?

MS. VALERO: And if you can, just for my own clarification, I do want to move forward with the temporary license. I think one piece of clarification is just which license is that?
We've been asked by ABRA to submit approximately four, or five different licenses, which we have done over the course of the last two months. And so, I just want to be clear what we brought to the floor --

CHAIRPERSON ANDERSON: Ms. Valero, hold on. You're in a bad area, I'm having some problems, because your connection is poor. All right, this is what's on our calendar today, let me know when you're ready ma'am.

MS. VALERO: Is this better from an audio standpoint?

CHAIRPERSON ANDERSON: Yes ma'am. All right, this is what I'm asking you about. You applied for a one day license class G to have the Cherry Blossom Festival on April 2nd, 2022. Hours of the event from 12:00 p.m., to 10:00 p.m., alcohol service from 12:00 p.m., to 10:00 p.m., and you're asking for 500 attendees, 10 security guards.

That is what I'm asking you about ma'am. You requested a one day license class G for that event on April 2nd. Are you clear?

MS. VALERO: Yes, and yes, we are asking for that license.
CHAIRPERSON ANDERSON: So, can you provide us some background information on what is it you're requesting for that license, so we can make a decision independently on that issue?

MS. VALERO: Yes sir. Very succinctly, this is an event that is being done in conjunction with the Downtown D.C. Business Improvement District, and the National Cherry Blossom Festival. They have asked for us to produce an event for The Springs, which is the licensee that will eventually be in the Caf, Pavilion space in Franklin Park.

We are working in conjunction with them to produce this event that is on April 2nd. It is an event from 2:00 to 6:00, it is a very family focused event taking place in the park with lawn games, and children's performers, and very immersive Instagramesque activations around Cherry Blossom with live music in the park. And then from 7:00 to 10:00, it will be a similar type of event, but much more focused in one tent that is taking place on the west lawn of the park.

And it will be a DJ type of event, with very -- again, similar up lighting of the
Instagram activations, and that will end by ten.

CHAIRPERSON ANDERSON: Now, you're asking for, you want to serve alcohol. So, where is it that -- and at least the license that you requested, you were asking for alcohol sales from 12:00 p.m., to 10:00 p.m. So, where -- is there a bar setup? Where is it that specifically on the grounds would alcohol be served?

MS. VALERO: That would be taking place in the tent area only, on the west lawn of Franklin Park, so underneath the tent.

CHAIRPERSON ANDERSON: And so --

MS. VALERO: That's a tent that has been permitted from DCRA.

CHAIRPERSON ANDERSON: And so you'd be serving alcohol in this tent area between 12:00, and 10:00 p.m. in the night, is that correct?

MS. VALERO: Correct. From when the event starts at 2:00 until 10:00 o'clock.

CHAIRPERSON ANDERSON: So, therefore you're amending your application to us. It says the hours of event, 12:00 p.m. to 10:00 p.m., alcohol sales from 12:00 p.m. to 10:00 p.m., so what time are you asking the agency to approve?

What are the hours of the event, and what are the
hours of the alcohol sales that you are requesting?

MS. VALERO: We are requesting that which is in the application. We have found from a best practice standpoint with ABRA to always ask for a few hours prior to the event, and to end it at the exact event time.

CHAIRPERSON ANDERSON: So, you're asking from alcohol sales from 12:00 p.m., to 10:00 p.m.?

MS. VALERO: Yes, and I can give you a whole list of reasons why that's best practice. But if you have a VIP that walks in that suddenly wants a beer at 1:30, far be it, it puts the licensee in a tough position with the client. And so we always ask for it right before the event starts.

CHAIRPERSON ANDERSON: And what's the expected attendance at this event?

MS. VALERO: We expect there to be about 500 attendees. Somewhere between about 500 attendees for the event.

CHAIRPERSON ANDERSON: And can I leave the tent with alcohol?

MS. VALERO: The intention is to have
the alcohol limited to the tent area. So, the west lawn of Franklin Park is a very delineated space within the park. So, we have the intention of having the area right outside of the tent, and so alcohol service will only be in the tent. And then there is a pathway that is hardscaped in the park, and that will be the point where people can enjoy alcohol on that west lawn.

So, the people can be outside of the tent, given that it's a park, we're looking to activate the park, the grass areas of the park itself, but not to go throughout the rest of the park for this event.

CHAIRPERSON ANDERSON: So, what type of security do you have to manage, to ensure that folks are not walking all over the park with alcohol?

MS. VALERO: We have both third party security, and in addition, the DowntownDC BID has 11 trained ambassadors who work in the park already. And so part of the security briefing on the day of the event is letting people know, along with signage, that you can't take alcohol off the west lawn. And that will be that hardscaped pathway will patrolled by security,
and ambassadors.

CHAIRPERSON ANDERSON: So, what measures do you have in place to prevent underage drinking?

MS. VALERO: Anyone who is consuming alcohol will need to be ID checked at the tent, and receive a wristband. Only those who are wrist banded over the age of 21 will be able to consume alcohol. We reserve the right to, just like in any brick, and mortar facility, to question the age, and ask to report anyone who does not have a wristband on.

And then the alcohol serving staff are all TIPS trained, and they also will be ID checking if they don't see someone with a wristband at the service areas.

CHAIRPERSON ANDERSON: Now, has this event been permitted by the Park Service and the District?

MS. VALERO: Yes. So, as you noted before, this is a really unique space in the District, and it is technically National Park Service land. National Parks gave essentially the right to D.C. government the right to spend 18 million dollars renovating the park, they've
done a beautiful job. National Park Service has a cooperative management agreement with the DowntownDC BID in order to manage the operations of the park.

This is an event that is being -- as part of that management agreement, they permit DowntownDC BID, in order to select to serve alcohol in the park. The DowntownDC BID has, and you should see submitted along with the applicational letter that has provided us with the -- has requested us to provide that service for this event on April 2nd.

CHAIRPERSON ANDERSON: Now, our file shows that a previous permit expired in March, this event is for April, so do you have an updated permit?

MS. VALERO: Yes, and that has already been submitted to the ABRA office, and was submitted earlier this week.

CHAIRPERSON ANDERSON: And do you know the date of this permit, it runs from what period, are you aware?

MS. VALERO: They run -- and this would be a question for the BID, I believe they run on three month terms, and so it starts April
1st, and runs for the consecutive three months.

CHAIRPERSON ANDERSON: And does this specific permit cover this event?

MS. VALERO: Yes it does. The DowntownDC BID has a master calendar of events that are covered by that. Essentially it's what we in the District would consider a special field event permit. It's a master special event permit for events happening in the park, and this event on April 2nd is included as part of that calendar.

CHAIRPERSON ANDERSON: Ms. Stiger, is it Tiger, or Stiger, which one is it?

MS. STIGER: Stiger.

CHAIRPERSON ANDERSON: Ms. Stiger, I've been asking Ms. Valero some questions, and I see you shaking your head. So, I want a record, so therefore the question I'm going to ask you, can you tell us that -- tell us about the permit then please. Since I see you've been shaking your head. And tell me who you are ma'am, and speak about the permit please.

MS. STIGER: Yes. I serve as a partnerships, and event associate, mainly for Franklin Park. So, in conjunction with Anna, and
her team, I do events for the park. And so, I am
the one who actually submits the permit to
National Park Service, and receives the permit
from National Park Service. And so I submitted
this permit months ago, and we have the site
permit for Q3 of this year in hand.

CHAIRPERSON ANDERSON: What does that
mean ma'am, Q3?

MS. STIGER: Sorry, third quarter.

So, the permit begins on April 1st, and goes
through for the next three months, the end of
June.

CHAIRPERSON ANDERSON: And so why is
it just every quarter, why is it not more long
term, and how is that determined?

MS. STIGER: So, we have what is
called a work plan that is submitted to National
Park Service. So, that is for the full, entire
year. So, from October, to the end of September.
But then every quarter, since there are possibly
updates, we submit any updates to National Park
Service. And so that's why there is a separate
permit for each quarter of our cycle.

CHAIRPERSON ANDERSON: And so does the
permit cover this specific event on April 2nd?
MS. STIGER: Yes, it does sir.

CHAIRPERSON ANDERSON: All right. Any question by the Board members? I know that this fact finding hearing is two phases. The first set of questions that we are asking are on the temporary license for the event on April 2nd. So, are there any questions by any Board members who want to ask questions about the temporary -- the request for the temporary license on April 2nd?

All right, there are none. And any questions that maybe the ANC, or anyone else wants to ask Ms. Valero about this event on April 2nd? Okay, I don't have any further questions on -- I don't have any other questions for this event on April 2nd. So, the Board will make a determination, and when we will vote on the record when we do our temporary one day -- later on today when we vote on the record for our temporary, and one day substantial change calendar, then we will make the decision whether, or not we're going to grant the request.

MEMBER SHORT: Mr. Chair?

CHAIRPERSON ANDERSON: Yes Mr. Short.

MEMBER SHORT: I did just have one
question, and that would be about the sanitation, restrooms, toilets. What is the capacity of the toilets in the park at this particular time with the renovations? Can anyone answer that?

    MS. VALERO: Yes, I can, if no one else would like to. There are permanent toilet facilities that were put into the park as part of the renovation. So, there is a building that was built on the park, half of it is the Caf, Pavilion part of the Pavilion, and the other half are public restrooms. Those public restrooms are able to accommodate the 500 guests who are coming to this event.

    Especially over the time period, as this is an outdoor festival, it will be people coming in not all at once, but people coming in over the course of the day. Those restrooms are maintained by the DowntownDC BID ambassadors, and the maintenance crew. And that was all reviewed from -- that building also has hot water, and sanitation, it won't be utilized.

    CHAIRPERSON ANDERSON: And I think even --

    (Simultaneous speaking.)

    MEMBER SHORT: Can I ask --
CHAIRPERSON ANDERSON: Hold on, I was going to ask Ms. Stiger, or Ms. Mendie to be more specific, since they're from the BID, so I believe they can give you a better answer, if one's available. That's the only reason I cut in Mr. Short.

MS. STIGER: There are four toilets on site, in the facility that Ms. Valero was referencing.

MS. MENDIE: And in terms of cleaning, we actually clean them as used. So, it's not something that we come by every two, or three hours to cleaned. We have somebody that is actually stationed there, so as patrons come in, and out, and use the space, the staff go right in, and clean. We have used that space now for most events that have happened in the park with far more than 500 individuals.

And we've been able to keep the space well maintained, and available for anybody all day long.

CHAIRPERSON ANDERSON: And that was Ms. Mendie speaking, is that correct?

MS. MENDIE: Correct, sorry, yes, it was.
CHAIRPERSON ANDERSON: Let me ask everyone, when you speak, please identify yourself. We have a court reporter, so just identify yourself so the record will reflect who is speaking. I'm sorry, go ahead Mr. Short.

MEMBER SHORT: Thank you very much.

So, again, this is to the BID, I guess to Ms. Mendie, and Ms. Stiger, and Mr. Price. There are four toilet bowls, correct, for the whole park?

MR. KLINE: Mr. Short, I'm going to jump in if I may --

MEMBER SHORT: Well, please -- Mr. Chair, can we have some order? Can I please just ask the question please?

MR. KLINE: But I think there's some relevant information --

MEMBER SHORT: Thank you Mr. Kline, but all --

CHAIRPERSON ANDERSON: Mr. Kline, hold on please Mr. Kline. Mr. Kline, it's my understanding you represent The Springs, the questions that are being asked, I know Ms. Valero did respond to the best of her recollection, and we have representatives from the BID here, and so they have made themselves known. I've asked a
lot of questions from Ms. Valero.

And when I'm looking at the screen, I see that Ms. Stiger from the BID has been shaking her head, and saying that she agrees with Ms. Valero. And so, one of the things that I have been doing, because as you know, it's best to go to the source, rather than a third hand information. And so since the BID is here, I will give you an opportunity to speak, but here it is, please allow Mr. Short is asking some questions specifically to the BID.

And let the representative, I will give you an opportunity to speak once one of the representatives from the BID has responded to Mr. Short's question, all right? Go ahead, what's the --

MR. KLINE: Thank you Mr. Chairman.

MEMBER SHORT: Thank you Mr. Chair.

Again, this is to Mendie, Stiger, and Price. The provision has toilet facilities with hot, and cold running water. How many toilet bowls are in the facility, and how many hand washing basins are in that facility?

MR. PRICE: Hey, this is Gerren Price, I'm sorry, I've been having some connectivity
issues, I hope you all are able to hear me okay.

CHAIRPERSON ANDERSON: Yes sir.

MR. PRICE: I'm happy to answer that question Mr. Short. So, there are four toilet bowls that are in that Pavilion space for the public to use, and in terms of wash basins, as you're sort of entering this space, and sort of exiting from where the toilets are lined up, there are actually two sink facilities that are available for people to use that contain a total of four faucets.

So, it's really four stations total for people to wash hands. And I apologize, actually thinking about this, it's actually a total of six toilets, because we have two that are ADA accessible, so please forgive me. It's four standard, two ADA, so six total toilet bowls are available in that Pavilion space.

MEMBER SHORT: Okay, again, thank you very much Mr. Price. Again, so for the record, there will be 500 guests on this particular permit if it's granted, correct?

MR. PRICE: That's correct.

MEMBER SHORT: And between six toilets, and four hand bowls, you think that will
be adequate, or is that too many, or too less, or?

MR. PRICE: I'm confident it will be adequate. I'll tell you we've held a number of events in this park since the mayor cut the ribbon back on September 24th of last year. We've had concert events, and sort of large scale happenings in this space where we've had close to a thousand, even 1200, or more people who are frequenting the event, and the bathrooms were perfectly fine in terms of the accessibility.

No major challenges as far as use. We keep them stocked, we keep them sanitized, and clean, we've never experienced an issue, even with our largest crowds in the space.

MEMBER SHORT: Okay, thank you for that testimony, because again, public safety, and public safety a part of that is sanitation.

MR. PRICE: Absolutely.

MEMBER SHORT: I as a Board member would ask that question simply for the fact that I enjoy parks, and I have enjoyed Franklin Park, at least before it became an eyesore, and I've been in Washington, D.C. for 75 years. A lot of people don't like me to keep saying that, but I
think it's relevant to what we're saying. And in my 75 years, I've seen the turnover in that park. And I am, as a prior resident of the District of Columbia, glad that it is being, and has been renovated, and that the BID is taking their responsibilities very seriously, and I commend you, and the BID for that. But again, for the record, there are six toilet bowls, and four hand washing bowls for the facility?

MR. PRICE: That is absolutely correct Mr. Short.

MEMBER SHORT: What is the maximum number of people that you think that the park could handle with those facilities, with toilets, and hand bowls, what is the maximum you think that the park could support?

MR. PRICE: The maximum number of -- I apologize, I think I missed the last part of your question, could you say it one more time?

MEMBER SHORT: Of patrons, or visitors at an event at the park, what do you think, or what knowledge do you have, or what expertise do you have to give any testimony on the numbers of people that the park could support with toiletry, hand washing, toilets, and facilities, those
kinds of things. One last caveat to that, is there going to be any first aid, or any water provided in the park for patrons who are visiting?

MR. PRICE: Sure. I'll defer on the portion about the first aid, defer to the team running the actual event. I would just say with respect to the restroom capacity question, one of the things that we have done since we've opened the park, we're really conscious of sort of when we have large numbers of people coming for events.

Thus far we've been able to accommodate the numbers that we've had, I mentioned the 1200 person concert series that we had at one point, and the restroom facilities were just fine. But if we were to ever have a larger event, we were anticipating larger crowds, we could certainly engage, and bring in some outside, additional toilets.

And so it's something that we would certainly think about, and consider. I don't believe it would be necessary for this particular event, but that is certainly something we would do in the future. So, if we were to have say
double the attendance, we may want to provide
some additional toilets on the premises. But for
right now, I think we would be able to
accommodate folks just fine.

MEMBER SHORT: Thank you Mr. Price.
Now, one last question on this issue. The D.C.
regulations, which you are part of a D.C. agency
I take it, or the BID, have you checked with the
District government, and found out what the
regulations say about numbers of people to number
of toilets. Has anyone from the BID checked that
out officially from the District government?

MR. PRICE: I don't have the official
numbers with me, we are not a government agency,
so I do want to just clarify the Downtown D.C.
Business Improvement District is a private non-
profit, we're a 501C6 organization. But that is
certainly something we will get access to.

MEMBER SHORT: Okay, I thank you.
Now, I just have something to say to you. I have
worked with BID before, even before I became a
Board member here with the ABC. So, I know a lot
about the BID, and what wonderful work they do in
our communities. And I want to thank you, and
the BID for coming, and testifying before us
today.

And if you would get that information from the District government about the number of people, and the number of toilets that the regulations of the District of Columbia have put in place, I would appreciate if you would, and you don't have to, turn that information over to ABRA, or the Board. Thank you very much. That's all I have for this witness, thank you.

CHAIRPERSON ANDERSON: Thank you Mr. Short. I'm going to come back to you Mr. Kline. Any other Board member want to ask any final issues regarding -- any final questions regarding the temporary -- Yes Ms. Joseph.

MS. JOSEPH: Thanks Chair Anderson, I'm so sorry, this is Sherene Joseph speaking from ANC 2F. I did have a question, and I wanted to just clarify around entertainment being provided this weekend, at Saturday's event. What are the types of entertainment -- actually Mr. Price's comment about the concert series was what reminded me about this.

Because the ANC did receive a couple of noise complaints in response to the concert series. Especially given that the timing often
indicated that it would be until 10:00 p.m., but music went until 10:30, and residents were pretty frustrated after that 8:00 p.m. time mark, of having constant music. So, I'm curious as to the entertainment that's going to be presented this Saturday.

MS. MENDIE: This is Cecily Mendie, so yes, thank you for that question. We actually -- obviously we're cognizant of the community complaints about the noise during the concert series, and to make sure that that would not happen again, we have entertainment now that is going to be done by 8:00 p.m. It's not going to be to the same voltage as the concert series was.

We're actually going to be using the Department of Parks and Recreation showmobile, and we're going to have a cover band that will be performing. But we will end all of the music in the park by 8:00 p.m. In fact, it will be done prior to that.

MS. JOSEPH: Okay, great. And then one more question, so entertainment will end by 8:00 p.m., but will there be, for example any announcements, or any kind of broadcasting of any kind post that 8:00 p.m. time frame?
MS. MENDIE: We don't plan to have any broadcasting -- I'm sorry, we will have a DJ in the tent until 10:00 o'clock, but that will not be audible sound as it was with the concert series.

MS. JOSEPH: Thank you.

MS. MENDIE: Sure.

CHAIRPERSON ANDERSON: Mr. Kline, you'll have the last word on -- this is only regarding the temporary license.

MR. KLINE: Yeah, just two things. One is, and I tried to get this in before. Ms. Valero has been in contact with the health department concerning the requirements that exist for all of these events, so I wanted to put that on the record, that no one's ignoring the health department. That's been done, that will continue to be done, so I don't want any Board member to be concerned about that issue.

It's not being ignored, it is being addressed, and it's being addressed with the agency that has jurisdiction over that issue. Second is given the history of this thing, and it's not really on the record at this point, but we would respectfully request that the Board
reconsider the denial of the one day substantial change.

We believe it was timely filed. Ms. Valero has been working with the agency for a month, we started with the festival license, and was told to change that, and we've been pushing, pushing, pushing to try to get this before you. As I stated earlier, this was not filed yesterday. And the only difference from what we know, is it will allow her under her current license to start ordering product, and stockpiling for the weekend event.

Which gets to be more difficult with the one day. So, under the circumstances, we would respectfully request that that denial be reconsidered. If it's reconsidered, and it's determined that it shouldn't be granted, then of course we would want the Board, and would request the Board to grant the temporary. But I mean she has worked with licensing, and acted in good faith.

And has been at this, not since yesterday, but for several weeks. And it's frankly been quite frustrating.

CHAIRPERSON ANDERSON: Mr. Kline, the
Board -- before making a decision the Board will ask the agency to present to us the documents. As I stated before on the public record, the only license that's on our public record for today is the temporary license. The Board has not seen any documentation for a substantial change. Orally the Board was informed that yesterday information was provided to the agency to ask for a one day substantial change.

But whatever decision is going to be made, the decision, whether that is a one day substantial change, or a temporary license, we're going to make a decision today. The license will be, if we approve it, the license will be granted, because we have to vote publicly. So, depending how our schedule goes, we will vote publicly on the record today.

And so if it's a yes for the temporary license, then Ms. Valero can pick up the temporary license today, if it's a yes. So, I'm not quite sure what's the difference, but whatever decision will be made, the decision will be made on the record today on those licenses. If, as you stated, the license was -- if it was timely made with the agency, we will ask the
agency to provide the Board with that application.

And to make sure that a complete application for a one day substantial change, as you state, was provided to the agency eight days ago. Now, I don't know if it's a complete application that was provided eight days ago. I do not know when -- since I'm not looking at the application, I don't know when the temporary license application came in, I don't know. But I'm just trying to figure it -- which wouldn't make sense Mr. Kline.

Why would the license be applied for a temporary license, and a one day substantial change for the same event that's supposed to be on April 2nd? Whatever I said before, before we make a decision, the Board had made a decision this morning to say that because it was not provided to us timely, that we were not going to consider it.

So, it wasn't that we said -- we did not deny the license, we're just saying that because as far as we were told, the timing, it was not provided to the agency timely, so the Board does not consider license requests from
anyone if it's not timely made. And so, that's
just the position. All right --

MR. KLINE: Ms. Valero can address
that, in terms of why that was done.

MEMBER GRANDIS: Mr. Chairman?

CHAIRPERSON ANDERSON: Yes Mr. Grandis?

MEMBER GRANDIS: I'm sorry, I know
this is irregular, because you're trying to wrap
this up. But there is somewhat confusion on this
point, and I think the attorney did try to
answer, but may we ask the attorney, can we hear
from Ms. Valero if she's the one who turned it
in, on what day she submitted it? Can we do
that? Because I think it would be helpful.

CHAIRPERSON ANDERSON: She can go
ahead, and tell us what was provided to the
agency.

MEMBER GRANDIS: Mr. Kline, may we
talk directly to your client?

MR. KLINE: Absolutely, yes, please.

MEMBER GRANDIS: Ms. Valero, thank
you. Can you answer that question for us?

MS. VALERO: Sure. There's quite a
history on this April 2nd event, and really this
started back in December, beginning of January, of this year when we were working with the BID in order to do a multi week activation in the park for the winter. And we met with ABRA at the time, because we said we are in the process of -- we had two questions.

One, what's the best way for us to do a license for this temporary pop up? While two, we submit our formal long term application for The Springs. During that meeting, the BID, and ABRA, and Mr. Kline, and I had, what we were recommended from ABRA was to put in a full license application with the outside space being endorsed as a summer garden.

So, the general space of the park as a summer garden, using just whatever the calculation was that it would typically be for bodies in the size of per square foot. And then at the same time, it was decided that the best way for us to move forward with the two week activation was with a pop up license that was regulation created under COVID rules.

We went through the process to apply for that pop up license, and in doing so, we realized that one of the requests that was made
for that license application is a certificate of occupancy for the space. Given the very interesting federal, though local jurisdiction happening here, it was determined there wasn't any certificate of occupancy ever created for the park space.

That the park doesn't actually have a certificate of occupancy. And so we were going back, and forth with ABRA, and DCRA, and the Office of Night Life and Culture on what's the best path forward knowing that there wasn't this certificate of occupancy, was there something that could stand in the place for it? And this is where it's all gotten very jammed up.

We were then, from that point, without the certificate of occupancy, advised to submit a festival license. However, one of the requirements -- so we submitted a festival license. However, one of the requirements for a festival license is also a certificate of occupancy. So, we were sort of back to square one after submitting that.

The request was also made in order to use something in lieu of something like an occupancy placard in lieu of the certificate of
occupancy knowing that they essentially, per the earlier case, served the same purpose of how many humans can you have in a space? There was no -- we were essentially told at that point we can't do that.

However, what you should do is you should submit a one day license. We completed the one day license, we submitted that in a timely manner. And then we were requested to, instead of doing the typical one day license, to use a substantial change on an existing license, because ABRA felt strongly that there being a tie to an existing license, as opposed to a one off license put more of a liability on me as the licensee.

In order to ensure that this event was successful. And so, we have at this point -- I have done every license application that ABRA has. But we were -- and so given that we were asked to make that change on the substantial, and at this point given where we are in terms of timing, for those of you who aren't ordering booze on a regular basis, a lot of the distributors have cut back their delivery schedules because of COVID.
And because of the issues with finding drivers, and so a lot of them have cut back on their Thursday, Friday deliveries. A lot of them no longer deliver -- none of them deliver on Saturday anymore. Most of them have stopped doing deliveries on Friday as well. And so, I'm also now just getting pushed into a really tough delivery schedule in terms of being able to turn around product, and be able to fulfill on the contract for the event with the Downtown BID. And so I think we are --

MEMBER GRANDIS: Ms. Valero, I appreciate all the background, seriously, we do. But my question was when was this particular application submitted, and accepted by ABRA?

MS. VALERO: For the -- just so I'm clear, the one day license, and the substantial change were all both submitted last week.

MEMBER GRANDIS: What day?

MS. VALERO: It was submitted before the Board met, so Monday, or Tuesday of last week. And they were submitted -- we submitted one day, and then they came back to us, and said we would prefer if you would submit a substantial change, because then it ties to your existing
license. And so, we have more faith in the
liability piece, given that nothing has ever been
programmed like this at the park before, with
alcohol.

And so, we submitted then, an
addition, and this was all before the Board met.
So, honestly my understanding was this was going
to the Board last week.

MEMBER GRANDIS: So, all of this was
submitted before Wednesday of last week?

MS. VALERO: Yes.

MEMBER GRANDIS: Okay, thank you.

CHAIRPERSON ANDERSON: I just -- if
either was submitted -- the Board meets on
Wednesday, and if someone submits an application
on Monday, or Tuesday, that doesn't guarantee
that the Board is going to consider that on
Wednesday. I just want the record to reflect
that if information is provided to the Board, to
the agency, because we meet every Wednesday.

So if information is provided to the
agency on a Tuesday, or a Monday that does not
guarantee that the Board will listen, or address
that issue on that Wednesday. I know that as a
general matter --
MS. VALERO: Understood.

CHAIRPERSON ANDERSON: Just want to say, as a general matter, our calendar is published the Friday before, at least the Friday before that that's when our calendar, and so I'll just state, that's when our calendar is published, the Friday before the Wednesday, so if there are events that are created after that date, that's how you end up having amendment to our calendar, or amendment to our agenda.

So, you might see the first amendment to our legal agenda, or licensing agenda, because a special request is made for the Board to address this issue, because since the application itself was provided to the agency timely, and so we're not going to not address an issue, or grant a license if it's provided to us timely. For example, if it's provided to us timely, and the event was last week, Wednesday, or Thursday, or Friday, we would have considered that, your application.

But maybe this -- without knowing specifically, because I have not seen the document, we would ask the agency to provide us with the document, and the Board will revisit the
substantial change, or the temporary, based on
the representation, and we'll look at the
documents provided to the agency, and make a
decision.

All right, I see some other questions.
I think some of the questions have been answered,
so maybe you can tell us, so now let's move back
to our permit licensing. I did not believe that
-- I didn't think that the discussions would have
taken this long for the request for April 2nd.
So, let's move back to the larger issue. Why
we're here.

So, can you tell us what has been
envisioned? You have requested a permit license
for 20,000 occupants for the park. So, can you
tell us what is your business model? What has
been envisioned here? Whoever can provide it.

MR. KLINE: Mr. Chairperson, before we
move onto that, and I just forwarded it to your
general counsel, and assistant general counsel.
An amendment was filed on March 2nd reducing the
requested occupancy from 20,000 to 7,500. So,
I'm not sure why that has not percolated to you.
But we will be addressing what's intended with an
occupancy of 7,500, not 20,000.
And that amendment was made three weeks ago, and I've just forwarded to Ms. Jenkins and Mr. Berman so that you can see that there's no question that that was done.

CHAIRPERSON ANDERSON: Okay, so we're now at -- the total occupancy is for 7,500. All right. And as I said before, I don't -- we're having a fact finding hearing to gather information, and so that's why we have a fact finding hearing Mr. Kline.

MR. KLINE: Understood.

CHAIRPERSON ANDERSON: I appreciate the representation with we're gathering facts. And one of the purposes of fact -- that was provided today, is that it's a 7,500 occupancy, and not 20,000, all right.

MR. KLINE: Correct, I'll let Ms. Valero explain what the concept is.

CHAIRPERSON ANDERSON: Go ahead Ms. Valero, please.

MS. VALERO: And I can speak also to sort of the amendment on the application. So, Franklin Park is five acres in downtown D.C. As I mentioned before, the D.C. government has built a beautiful jewel box space on that park. We are
leasing that space in conjunction with the DowntownDC BID. And so that will be the main retail space where the CT license would be.

And then given that the goal of this is to really create sort of like a Bryant Park in D.C., so how do we really activate that space in the general park itself in order to ensure that guests can enjoy the park? And can enjoy beverages in the park. And so, part of the reason for the amendment is based off of the management agreement between the DowntownDC BID, and National Park Service.

A certain percentage of the park must always remain open for the general public to be able to utilize. And so that's one of the reasons why we made that reduction. Because part of what we are also helping to manage with the BID, is that park being utilized for events outside of just people who want to come to the park, and enjoy -- come to the caf', and have a beverage, and sit outside.

It's also so that, if you think about things like 5K finish line races, or someone wanting to get married in the park, that would also fall underneath this license application.
So, this is really in order to ensure that there is one licensee who is helping to manage the liability around alcohol in the park enable to ensure that there's a security plan in place for all of those events.

And so, that was part of the intention, as we had talked with ABRA originally, what they said was probably best from an application process, is for that to get endorsed as a summer garden, under a summer garden permit for the park off of the tavern license inside of the caf', space.

CHAIRPERSON ANDERSON: Now, so Ms. Valero, so what space will the license cover? If we're to grant a license, what space would it cover?

MS. VALERO: I think that's part of the conversation. So, from our standpoint, it would be based off of that percentage that national park requires. It would never extend beyond that percentage. So, if you say -- I'm going to throw out a number here, because I don't know that number exactly off the top of my head, I believe it's 60 percent of the park.

That 40 percent must always remain
open to the general public. And so, it would be 
based off of that percentage of the rectangular 
lot. And so if that percentage, or everything is 
broken up into lawns in the park. So, the lawn 
in the pavilion space, and such, it would be 
based off of us ensuring the perimeter of the 
entire park from an alcohol safety standpoint. 
And then there being a limited area 
within the park where the activity was taking 
place.

CHAIRPERSON ANDERSON: So as far -- 
now I'm confused, so if there --

MR. KLINE: If I could try to clarify 
Mr. Chair?

CHAIRPERSON ANDERSON: Yes Mr. Kline.

MR. KLINE: I mean the point is that 
there be flexibility in terms of the spaces used. 
In terms of occupancy, it would be limited to 
7,500. I think your question was how many, and 
that's the number, 7,500. In terms of what 
areas, the idea is to try to leave that flexible, 
depending upon programming, and depending upon 
the events, and what areas are used. That's the 
concept.

And that's what's to be done here, is
that the entire park would be licensed, but there would be a limitation on occupancy of 7,500. I hope that helps.

CHAIRPERSON ANDERSON: Now, the park would still -- it's an open area that folks would just -- anyone could walk into the park, or is there fencing? I'm just trying to -- so explain to us the layout of this area that we're licensing.

MR. KLINE: The idea is that it would be flexible. As I said, the entire park would be licensed, the park service has a requirement that a certain percentage of the park be open to the public at all times. But that is not a fixed area. So, it's not as if they're saying it's this 40 percent that has to be open. They're saying depending on what your programming needs are, and what you're doing, at all times you must leave 40 percent of the park open to the public.

So, Ms. Valero's challenge, and what the Board would be concerned about, is okay what area is alcohol being served? That would vary from time to time, and it would be up to Ms. Valero, and her company to police that, and provide the appropriate perimeter to satisfy the
Park Service. Because the Park Service needs to know that 40 percent of it is going to be open.

But she would retain responsibility for the entire park with respect to the service of alcohol, and anything that was going on there, she'd be responsible for policing.

CHAIRPERSON ANDERSON: So, but if 40 percent of the park has to be open for public, what would prevent me from bringing my bottle of wine, or my beer to drink in the 40 percent? It's open to the public, so I can, and it has to be open to the public, so what's going to prevent me from drinking my bottle of wine, or my champagne, or my beer, or whatever it is.

What's going to prevent a young, under 21 person to go to a public park and --

MR. KLINE: Laws against public consumption of alcohol, and laws against the consumption of alcohol by those under 21, that's the law. I mean, I --

(Simultaneous speaking.)

CHAIRPERSON ANDERSON: But I think, but who is -- I'm sorry Mr. Kline, but who is it that -- this area is, the 40 percent area, which is open to the public. Now, I'm sitting there
drinking my beer when the ABRA investigator comes. And there's someone in this area, since the license is for the entire park, there is someone in this area, in the 40 percent area drinking their beer, or under 21, who is responsible?

I mean the licensee is going to say that's a public area, I didn't sell them alcohol. But there's someone drinking, or there's an underage, so how is the investigator supposed to know that -- where did this person get their alcohol from?

MR. KLINE: I mean Ms. Valero, under the circumstances, if her staff observed that, would be on the phone with MPD, and saying there's someone publicly consuming alcohol in the park. I mean she doesn't want those difficulties. I mean again, no licensee can guarantee that people are not going to break the law right outside their front door in a brick, and mortar establishment.

I mean there's just no way to guarantee that. People need to comply with the law, and if not, then they need to be reported to the proper authorities, and actions can be taken.
But no licensees have a position to guarantee that, whether they're in a public park, or whether they're in the building on K street.

CHAIRPERSON ANDERSON: That's one of the challenges that has to be addressed with granting this license for a public park. A park that 40 percent of the park has to remain accessible to the public. So, I guess what I'm trying to find out, what type of events do you plan to have on this event, is this a tavern, or you have a dance floor, you have entertainment?

I heard before, are you asking for an endorsement? I've not seen the application. I heard before the ANC had made an inquiry about the concert series that were being held, and that neighbors were complaining about noise at 10:00 o'clock, so what hours are -- and again, I've not seen the application itself. So, what hours of entertainment, what is it that you're asking for this space?

MS. VALERO: Is that my answer?

MR. KLINE: Go ahead Anna.

MS. VALERO: So, I think what's really interesting about this project, and about the park itself, is that this is a partnership with
the DowntownDC BID. And so, based off of that, the activities that are taking place in the park must match the mission, and the vision of that which the DowntownDC BID dictates. We are there in order to produce them in conjunction with them, and in support.

But it's not like Anna decides that someone wants to throw a rave, and suddenly someone's throwing a rave in the park. And so this is something that the DowntownDC BID essentially has veto authority on activity taking place in the park, and everything must get approved by them, and through NPS. And so that's part of the cooperative management agreement, as you heard earlier.

That is also part of that special event permitting process that has been created between the DowntownDC BID, and National Park Service. That also dictates, based off of that agreement, that unless it is an area in the park where the DowntownDC BID has granted the right for alcohol to be served, National Park Service rules apply.

Meaning that no different than on any D.C. public property, no one can consume alcohol
underage, or bring it in. But as it relates to
types of events, it's going to be very community
focused events. And so the goal of the park, and
the goal of --

CHAIRPERSON ANDERSON: Ms. Valero,
your internet is poor. And so I am not sure if
the court reporter, if she's picking up
everything that you're saying, because your
connection is poor. I don't know what's going
on, I just want to let you know that your
connection is poor.

MS. VALERO: I'm in a very old
building downtown that we're bringing back to
life. Is this any better? I can't get any
closer to the window.

CHAIRPERSON ANDERSON: You're better,
but I'm just saying you're going in, and out,
just wanted to let you know that.

MS. VALERO: I appreciate that, I'll
try to speak slowly. The activities that are
taking place in the park are activities that have
to be aligned with what both District government
has dictated to the DowntownDC BID, or aligned
with what the mission is of the DowntownDC BID,
and that's to create places where the community
can gather.

And so the activities taking place in the park will reach multiple demographics of people who both live, and work in the District. And so you'll have a lot of family focused community program. There's a beautiful children's garden in the park. In addition with, no different than what the rest of the BIDs in the city do, a lot of programming around how do we bring artisans in.

To create artisan spaces, how do we activate the park in ways that will also draw some of the younger professionals in the city? And really the goal of the caf, space is to create a space where people don't just flock from downtown after work to other parts of the city. How do we really create places where people want to stay, and engage.

No different than people do with jazz in the garden on a Friday night in the summer. How do we create a similar type of environment where people want to stay, and want to create spaces, want to create very Washingtonian type experiences in Franklin Park. That's our mission, and that's the goal.
CHAIRPERSON ANDERSON: Well, one of the things that I noticed you applied on your license. You're applying for outdoor entertainment until 2:00, 3:00 a.m. in the morning. So, I know you talk a lot about family friendly, I'm not quite sure, maybe you need to explain what type of family friendly event that you're going to have outdoor entertainment until 2:00, 3:00 a.m. in the morning.

MS. VALERO: Very respectfully, I think that 2:00, 3:00 in the morning has been addressed with the ANC. We already met with the SMD ABRA committee, and this was part of the discussion with them. And part of the eventual settlement agreement that we have talked about with them has the times outside in the park itself, and then earlier in the evening.

We haven't agreed on exactly what that time is, but I think that's something that will get addressed with the ANC, and the inside is, again, the hope for the caf' space is that it becomes a place where people can stay, and want to be there beyond -- people leave downtown at 7:00 o'clock right now, once they walk out of their office.
And so, how can we start to create spaces that create a different type of atmosphere?

CHAIRPERSON ANDERSON: Now, so what occurs during the -- I know we talked about, because it appears to me a portion of the space is outdoors. So, D.C. is not -- we do not have outdoor weather for the entire year. So, tell me about the operation during the winter months.

MS. VALERO: I think the winter months are going to be limited. I think that they're going to be limited to events that are going to take place within tents. No different than during the hot summer months of D.C. People still want to have some type of shaded environment. And so, that's something where we would go through the typical process in order to ensure that there were tents installed within jurisdictional guidelines for those events taking place in the park.

CHAIRPERSON ANDERSON: What are your abilities currently? I know you said that if we allow this process to move forward, you have approached the ANC, and so that's another process, but how do you envision currently
controlling, and providing noises leaving from
the property?

MS. VALERO: I think a lot of noise
mitigation can be based off of where stages are
placed, and even if you need a stage. I think a
lot of the music, and activities that take place
in the park will be either within more sort of
tented areas, or kind no different than we're
talking about doing on the April 2nd event, and
with those tent flaps down, it helps to contain
the sound within them.

Also strategic placement of where
those stages go. I think part of what they found
when they did the previous concert series was
just changing the direction of the stage makes a
huge difference in terms of sound mitigation.

CHAIRPERSON ANDERSON: Now, so tell us
about where are you going to receive deliveries,
and how you're going to mitigate trash, or manage
the trash.

MS. VALERO: So, the beauty of working
with the DowntownDC BID, is that they also have a
full time maintenance team. Meaning that they're
going around pulling trash from all of the trash
receptacles within downtown D.C., and so we can
have daily pickups of trash. In addition, there is a trash compactor -- trash, and recycling compactors that are being placed at the building, and that will happen during the construction phase. And so we have multiple ways in order to remove trash from the facility.

CHAIRPERSON ANDERSON: Now tell us about your security plan detail. What type of security will you have in this facility, since it appears this is still going to be -- you have a caf,, and from what I'm hearing, a large summer garden, so tell us about the security detail.

MS. VALERO: So, the building itself will be a very typical brick, and mortar security plan. We'll have cameras with 30 day recording that are placed in the building, and along the end, taking shots of all of the exterior. And then as it relates to the rest of the park itself, it will be -- it's already currently patrolled seven days a week.

And we would add additional security based off of what -- if there are special events taking place in the park, we would add additional third party security that would help to manage the liability, and the compliance controls.
CHAIRPERSON ANDERSON: Now, I know you talked about cameras on the tavern itself, the caf', itself, are there cameras in the park, or are there any plans to have cameras in the mark?

MS. VALERO: Yeah, I would defer to the BID on that.

CHAIRPERSON ANDERSON: I'm coming to you Mr. Price, I have some specific questions for you sir.

MR. PRICE: Sure, yeah, I was going to answer that question, regarding --

(Simultaneous speaking.)

CHAIRPERSON ANDERSON: Go ahead, Ms. Valero. I'm asking her about it, because they're going to manage -- the license is going to be granted for 60 percent of the park. And so, I'm hearing it's going to be a flexible what's the 60 percent, what's the 40 percent, so I'm just trying to find out what type of security that the tavern installs.

Because if an infraction occurs, there's only one licensee. It's going to be granted to the Spring, not to the BID. So, we're looking to the licensee for responsibility, and they can't say that the BID was supposed to have
done that. We go to the licensee to say it's your responsibility, because you're the one we have jurisdiction over.

We are not going to have jurisdiction over the BID, unless the BID is a part of the license.

MS. VALERO: I think the easy answer to that is there are currently eight cameras that cover the rest of the park facility itself, inclusive of the west lawn that we have talked about. And then there would be additional cameras that are placed within the retail venue itself, so within the interior, and on the outside the pavilion.

CHAIRPERSON ANDERSON: Based on the numbers that are being requested, if it's part of the consideration of this license, would you have any concern if the agency Board required having some type of security plan for this area?

MR. KLINE: We don't have any problem with that.

CHAIRPERSON ANDERSON: Mr. Price, let me ask you, who is in the BID that will manage the relationship with this applicant?

MR. PRICE: So, it's -- we are really
excited to be partnering with Anna, and the team at Higher Ventures. And so, we have already been in close communication with me directly in my role as president, and CEO. But then on site at Franklin Park we have a full time park manager you have met, Cecily Mendie, who is also on the call.

So, her responsibility is to manage all things that are happening with respect to events, and community engagements, and coordinating with our tenant who will be in that space. And so Cecily will be leading that effort. And then also adding further support, Ms. Stiger, who you've also met, who is on the line, she is also providing support in terms of offering the sort of structure, and support that's needed planning individual events happening in the space.

CHAIRPERSON ANDERSON: Now, this is a unique relationship. We have the National Park Service, we have the BID, we have the D.C. government, so what agent within the D.C. government is involved in this process moving forward? Just explain to us the relationship please.
MR. PRICE: Yeah, and I think Anna mentioned in her words in the very beginning, and perhaps in talking about the temporary license, but the overall sort of structure of the park is a bit complicated, and this is a project that was a long time in the making. I think it took about 20 years total, including an act of Congress to authorize the ability for this management to happen.

And so, it was quite a complicated process, but the land remains owned by the National Park Service. So, it is a federal park land, but the sort of management agreement that was referenced, the cooperative management agreement, which I believe has been submitted to the Board for review, it basically provides for the city to have jurisdiction over this space.

And so, the D.C. Department of Parks and Recreation is that guiding entity on the city side. But then they have identified the DowntownDC BID as the operator of that space. And so, all of the day to day happenings in the park, with respect to anything you can imagine, from planning community events, and engagements, to maintenance, and operations.
To capital improvements, and projects will fall on the BID through that cooperative management agreement. So, it is our job to manage the space, and to negotiate the lease with the tenant, and we're excited to welcome The Springs on site.

CHAIRPERSON ANDERSON: Mr. Price, I believe we have an agreement -- I'm not sure, but we might have the corporate agreement between -- I'm not sure if we have -- do we have a copy of your agreement, the BID's agreement with the D.C. government, do we have that? If we don't have that, could you provide that separate agreement to the agency?

MR. PRICE: Can I ask, Mr. Kline, it may have been submitted, or --

MS. VALERO: It was submitted.

MR. KLINE: It's been submitted.

CHAIRPERSON ANDERSON: Again, I'm sorry, I know that there is an agreement between the District and the National Park Service, and there's an agreement between the BID and the D.C. government, is that correct?

MR. PRICE: Yes sir. That cooperative management agreement actually includes all three
entities, and sort of describes the relationship.

CHAIRPERSON ANDERSON: Okay. So, we have that. Let me see, hold on.

MEMBER GRANDIS: Mr. Chairman?

CHAIRPERSON ANDERSON: Yes, I'm coming to you Mr. Grandis, hold on one minute, I'm sorry.

MEMBER GRANDIS: Thank you very much.

CHAIRPERSON ANDERSON: I'm going to have the Board ask questions, I just want to make sure -- go ahead Mr. Grandis, I'll probably have some other questions, go ahead Mr. Grandis.

MEMBER GRANDIS: I would like to ask a question to the ANC, and if one of y'all can decide who I should direct my question to, I'll be glad to do that. Thank you. Having you all sit through this hearing, and having you all been involved apparently with the BID, and perhaps as applicants regarding this event, I believe this coming Saturday, is that correct, it's this coming Saturday?

Does the bid have any -- based on what we've been hearing today, and based on the concerns you may have had regarding this event, I just have not -- I need clarification on if you
have any recommendations regarding this
particular situation?

MR. ROMANOWSKI: This is Brian
Romanowski of the ANC, can you just clarify a
little bit more? Sorry.

MEMBER GRANDIS: Yes, do you all
support the event this Saturday? And if so, with
what limitations?

MR. ROMANOWSKI: We do, with the noise
limitations, I think that Commissioner Joseph
described earlier. That I believe the applicant
has said that they will stop music at 8:00 p.m.,
is that what it was earlier? Music outside the
tent, I should say.

MEMBER GRANDIS: But inside the tent,
it's 10:00 p.m.?

MR. ROMANOWSKI: Yeah.

MEMBER GRANDIS: So, the ANC
representation, that they support this event to
go ahead with if the noise concerns are
addressed?

MR. ROMANOWSKI: Yes, and I believe
the tent is positioned on the west side of the
park, and so that is good news, because the
complaints that we've previously received are
from residents a block away from the east side of
the park, so I think that's also helpful.

MEMBER GRANDIS: Okay, and just for
clarification of this record, I don't believe
technically that this parcel is considered a
federal park. I think it's considered a federal
reservation, and I only bring it to the attention
of this hearing, because there is differences of
regulation regarding what are considered legal
federal park lands, from what are federal
reservations.

And I just bring that for the
evocation of this hearing. Thank you Mr.
Chairman.

CHAIRPERSON ANDERSON: Thank you Mr.
Grandis. Do we have any other questions by the
Board members? Go ahead Mr. Short.

MEMBER SHORT: Thank you very much.
So, I would like to get this straight Mr. Chair,
from someone. So, now the park, before any
licenses are permitted to anybody to own a
business, it's a public park. And so how does
this remain public if 40 percent of it can be
used, and we're not saying where on the park, or
the 60 percent.
Since they're going to say well, this week we want to use the west side, next week, we want to use the east side. So, it's not a public park anymore, it's a public business park I guess you would call it. I'm just trying to figure out the public has always used it before it was taken over by homeless people, and whatever else. Any part of the park was public space.

The federal government owns it, so it means federal dollars, or whatever else had maintained it. But I just want to go to the fact that as a resident of the District of Columbia, or someone who lives in the area, works in the area, and I decide I want to go out, and I want to just lay in the park, or bring my kids down to the park, then the tent might be anywhere in the park.

Because we're not giving any parameters other than to say wherever they decide to move it from week to week. So, I'm just saying a business, and then also I have questions about will they pay the same amount of taxes that the brick, and mortar businesses right across the street from them are paying, and how will those taxes be collected, if we're going to tax them at
all.

Dealing with the trash and trash pickup. We know through a lot of other events that happen in the city, i.e., pub crawls, and et cetera, they make agreements when they first get started, but then they say well at 2:00 o' clock in the morning, when we close, we can't clean the park, we have to wait until the next day. And so the next day, depending on the amount of trash, and the number of people, and we're saying 7,500 every time they open up.

And we're saying 7,500 until 2:00 o'clock in the morning if this Board were to give them a permanent license. I just have a lot of questions that I haven't heard addressed, or answered. And again, I just have to deal with the fact that once was a public federal park in the center of Washington, D.C. is now going to become a quasi-public business park.

If what I've heard today is true, I'd like for the Board to consider, and for the ANC, and for the neighborhood, and for the BID to consider, are there any plans drawn up that we'll see where the parameters for the selling of alcohol will be. Or as we've heard testimony
today, it could be here tomorrow, and depending on what they want to do next week, it could be another part.

So, what part is public if a resident cannot depend on going to the park any day of the week knowing okay, there is a business on the other side of the park, but this week it's on this side of the park. And so I think that a lot of things have to be explained. I think some plans, and drawings should be submitted. And if they're going to have 7,500, I don't think that six toilets are going to satisfy 7,500 people.

I just don't think, in my mind as a public person, who has been around public safety, and those kind of events all my life, I'll just simply say this, we need to make some very serious considerations, and I'd like for the ANC, and the BID, when these same questions are asked by the people who elect them to office, or by especially the BID, who were given these privileges, are we giving our park away?

Are we giving part of it away? Or are we saying it's not a public park per se anymore, it's just a place where business takes place any place in the park? And we're going to say to the
BID you regulate this, so someone is over served alcohol, or someone doesn't follow by the rules, just call MPD. Well, suppose MPD is busy, a call in the community for the citizens who pay their salary.

So, again, there's a lot of questions I have, and I hope that we get some answers to them before this Board votes on it. I thought today was going to be talking about the one day, but now we're talking about the total license for 7,500. And I'm just glad that maybe the chair has, in his wisdom, decided let's get it all out on the table at once. And it might be a good idea.

So, again, I just have those questions to ask. Especially about trash compactors, other things about trash pickup on a regular basis, music to 2:00 o'clock in the a.m. in downtown Washington, D.C. I just have a lot of questions that I haven't heard any answers to. And if we can get those answers, maybe as a Board member I could wrap my mind around giving 60 percent, or 40 percent, or however it's going to be divided up to private interests. Thank you very much for all who heard my comments.
CHAIRPERSON ANDERSON: Hold on a minute before I get a response. We're at a fact finding hearing. This fact finding hearing was scheduled for a while on our schedule, and the purpose of this fact finding hearing was to address the application from The Springs to apply for a license. Initially it was for a license for 20,000. On March 2nd, the agency said the application was amended for 7,500.

And so the purpose of this -- this was a fact finding hearing to see whether, or not the Board believes that this application can move forward to the process, which is a regular process. And the regular process is that once, if we determine that this is a viable application, then it will be placarded, and then the ANC at that juncture would have the possibility to protest it.

So, we haven't gotten to that stage. This is still the information gathering stage for us to make a decision, is this right for us to move along through the process? So, the Board is not making a decision, it wasn't a we are going to grant a license. It's just do we have enough information to send this out? And this is
unique, because normally the public is not a part
of this type of process.

The public is usually not aware of the
application until the Board has made a
determination that it needs to be placarded, and
then we'll take public input. But this is --
because everyone has stated, this is a first
impression for this Board. And I think it's a
first impression for this city in a sense that we
have public -- National Park Service, that I was
told it took over 20 years for the Park Service
to turn some type of management of the land over
to the District.

The District I'm told paid almost 3
million dollars of taxpayer funds to renovate
this park. And so therefore there are agreements
between the Park Service and the District. And
there's an agreement between the District and the
BID, and then there's an agreement between the
BID and our potential applicant. And so we're
just trying to get through to make a
determination that moving forward, when we move
forward.

And I appreciate the fact that Ms.
Valero, what your post on the record today, is
that this is a process that you've been talking
to the agency, and the agency has been trying to
say to you what type, looking at the different
license classes, to say based on this first
impression, what it is that you think -- even for
the event on the second, what was the appropriate
type of license that you should apply for based
on the novelty of it.

So, I like the fact that that
information was put on the record, because I
think this is kind of helpful for the public.
Because sometimes this agency has been told that
we're not working with the licensees, and here it
is we're being told that this has been a long
process in a sense of trying to figure out what's
the appropriate type of license based on the
uniqueness of this situation.

I have some other questions I'm going
to ask, I just wanted to let the parties know
that I want to ask some specific questions about
the permit number 22-0197 that covers this
quarter. The quarter April 1st to June 22nd,
2022. So, if you have that permit, I would like
you to -- I have some specific questions that I
want to ask you about that permit.
So, either the BID, or Ms. Valero, if you have that, please pull that up, so I can be provided a response based on some questions that the agency has regarding some language specifically in that permit. So, Mr. Short, were you asking a question, or was it just a general comment?

MEMBER SHORT: Mr. Chair, it was a question that I was asking, and I was trying to get around to the end of the question when you interrupted as our Board chairman. I do understand Mr. Chair that my question was not completed. And so if I might be permitted.

CHAIRPERSON ANDERSON: Go ahead.

MEMBER SHORT: Thank you very much sir. Again, my question totally is the fact that a 100 percent city park that's been granted permission by the federal government to be used by the city, in which the city has put 3 million dollars in renovating is now not going to be a total city park anymore.

And if it's not going to be a total city park, are those persons who are permitted to sell alcohol, serve alcohol, and maybe even store alcohol in a public space, if they're going to
fall under the same parameters as a person who
has a brick, and mortar, which is right across
the street from them on 14th Street, or 13th
Street, or I Street, or K Start.

Do they fall under the same
parameters, with ABRA rules, with the sale,
service, and storage of alcohol? Or is it going
to be since this is a hybrid, first time that I
know that an ABC Board has been asked to grant a
license in a former federal -- not former, but in
a federal piece of property that's now being
granted permission to the District government,
that this park is now, from what I've heard
today, how much is it going to be business, and
how much is it going to be park?

We're saying 60 40, or 40 60, I've
heard different numbers thrown out. But again, a
park that was quiet at 2:00 a.m., is now going to
be -- if the permit, or license goes through,
they want to be open until 2:00 o'clock in the
morning in downtown Washington, D.C. outside
under a tent. But at any rate, that's not my
question.

My question is if this is not going to
park anymore, and it's now a hybrid piece of
property for the District government, or its citizens, and residents, and businesses to use as a federal park, then how much, or how far is ABRA, the ABC Board, the ANC Commission, or the BID, where does it go, where does it end? Are there going to be diagrams presented to the public so they can know exactly where the public goes, and where the business goes?

Are there going to be instances where if it's going to be 7,500 people, the mayor's special events committee is going to get involved, because normally when a crowd that size is downtown, the mayor's IE Cherry Blossom Parades, or whatever else, the mayor's committee on public safety, or the mayor's special events committee, they get involved, and that involved all the other agencies.

So, if we need extra policemen down there during the time there's 7,500 people, the police can probably set aside those resources. Other government agencies who might get involved, DPW, traffic control, all of those people need to be involved. Because it might not sound like a big number to us right now, because it's all on paper.
But I would venture to say we need to be prepared, if that's what this Board is going to decide to do with a park in the middle of Washington, D.C. downtown. And my question is Mr. Chair, what part of the park is going to be still for the public to use, and what part is that, and what part is going to be now business, and what part is that?

And is that going to be in stone? Or is it going to be one week we're here on the west side, one week we're on the east side, one week we're on the south side, or one week on the north side. So, I think that we need to have some parameters, exactly how the taxes are going to be collected, exactly how they're going to be required -- government regulators of alcohol businesses in the District of Columbia, would they apply by those rules?

Or are we going to make them up as we go by the seat of our pants? That is my question Mr. Chair. And if you want to answer that, fine, if the BID wants to answer it, or the ANC, whomever. Or the applicant, I just want to have those questions answered just for myself I guess. But at any rate, hopefully it will be helpful to
the whole Board. Thank you Mr. Chair.

MR. KLINE: I'm going to try to answer it if I may.

CHAIRPERSON ANDERSON: Hold on, all right. I guess Mr. Kline wants to answer, and then I'll have the BID, because this is a larger issue, and so the BID can also -- Mr. Kline, you represent The Springs, but I think this question is a larger issue that would probably need to get a response from the BID. Because since the BID, your client is a subcontractor from the BID. So let's --

MR. KLINE: My client's the applicant before this Board.

CHAIRPERSON ANDERSON: Yes sir, I know that Mr. Kline, and I'm going to get to you. And I always give you --

MR. KLINE: I feel like a potted plant today Mr. Chairman.

CHAIRPERSON ANDERSON: Mr. Kline, you will never be a potted plant. And one of the things that you should be -- that I've always done Mr. Kline, I always give you the last word. So therefore, you will always have an opportunity to -- if someone says something that you don't
like, or that they say incorrectly, you can
always correct it.

You can always clean up. I would
think that you would want to be the last person,
because they might say something that you don't
agree with. So, then you have an opportunity to
clean that up sir.

MR. KLINE: I appreciate that, I just
thought I could save us some time by trying to
address some of these issues.

CHAIRPERSON ANDERSON: Well clearly
there is -- this has taken -- this is a very
unique situation, and Mr. Short did ask a
pertinent question. And I am also confused in a
sense, that 60 40, and so there are some issues
there. But we'll have Mr. Price respond, and
then you will get an opportunity to respond on
behalf of your client.

MR. KLINE: Thank you Mr. Chairman.

MR. PRICE: Sure, so I'm happy to.
And I will just say off the top here, I'm not
going to be able to answer every part of Mr.
Short's question, Mr. Short, you asked quite a
few things, and I think all really valid points.
And I just want to say how much I appreciate your
thoughtfulness, and your concern here, and
clearly as a long time D.C. resident, you
understand the context, and the history of this park.

And understand the role that it plays for a lot of Washingtonians, myself included. I think for us as operators of this space at the BID, we're being trusted to operate this space so that it remains a public park. And Franklin Park will be a park that is open to all people to enjoy, and to come access, and enjoy as best as possible.

One of the things that I just wanted to flag, and I don't know where the number 3 million was coming from around the renovation work, it actually was a much more significant renovation investment by the city. In total, 21 million dollars have gone into renovating that park space, so it is quite a big investment from the city.

And as we mentioned before, a number of years of planning, and conversation both with the Park Service, and the city government to get us to the point where we are today, where we're able to have a beautiful space in the heart of
downtown, where we can welcome folks for public events, and community events, and just the quiet enjoyment of what is a really beautifully done space.

And so, I wanted to sort of just quickly acknowledge that, and just say that with respect to the breakdown, and the private versus public, and sort of that, the question that Mr. Scott posed, I just wanted to touch on, and say that there was intentionality from the very beginning, in some of the earliest conversations with the Perks Service.

And with the city, and that the BID was involved in, and sort of helped to bring forward around allowing for there to be a retail establishment in this park modeled off of the best practices of a number of other cities that have gone this route in terms of having retail establishments in their spaces, looking at places like Bryant Park in New York City.

It is not only helpful in terms of bringing vibrancy, and just drawing people to the space, but it becomes a revenue generator to sustain the maintenance operations, and capital improvements of the park. So, this business
component is a critical function to ensuring that Franklin Park remains in good condition, and remains an asset for years to come.

And so, I just wanted to acknowledge that that was something that was planned in the front end, and it's been a long standing part of the plan for the future, the long term future of the park. And so, we are super excited to be welcoming The Springs into that space to operate the business in the actual building itself, which is on the south side of the park.

And our intent was always that that space, it's a private business that is accessible to anyone that would like to enter it. And so that is part of why what The Springs is proposing, it's a caf', where folks can come to get certain types of items throughout the day. But what we also thought was really important was to think about how that space can also help to activate the rest of the park.

And so when you talk about the split, and should there be sort of designated drawings, and spaces that are accessible, we bounced around that idea too, and it's something that there have been a number of meetings, and conversations
around that very concept. One of the challenges is that we think that there are going to be really dynamic, and changing needs, and different kinds of events, and activations.

The would really warrant different spacing, different positioning, and really thoughtful planning. And so, it would be really hard to have sort of a catch all that would work for all of the types of things that we think are possible. I'm not sure who mentioned before, the jazz in the garden sort of concept. If you've ever gone when the Smithsonian does that event.

That was one of the things the Park Service kept sort of referencing in their early visioning of what this space could be. But thinking of a quiet evening of jazz in the park with perhaps folks enjoying a glass of wine, right? And maybe that happening on the east lawn in the summer months, but then having a different kind of event that would take place on the west lawn, that could accommodate a slightly larger crowd.

Sort of thinking about just different ways to setup, and host these types of events, it would be really challenging to box that in, and
say only in this particular square could something be served. And so the thought was always to be fluid, and sort of have that space for flexibility. The other thing that I want to say in answer to Mr. Short's question around how to maintain that appropriate balance of private versus public, and what's accessible.

Our goal, as operators in that space, and a shared responsibility, and requirement is to engage with the Park Service as Ms. Stiger mentioned, on a quarterly basis for our plans for what types of private events are happening in that space. We have the general provision to have private revenue generating events in that space, but it must be balanced.

And so the Park Service is not going to approve if we said 100 percent of the time, the west lawn would be taken up for a tent, and an alcohol serving event, the Park Service would not approve that. We have to get that okay through that process that we have each quarter, to be able to say these are the planned private events that will be taking place.

Even with that, there's a difference between a private event that is closed to the
general public, and then an event that is taking
place in the park that is serving alcohol, that
is open to the public to purchase items as they
wish, right? So, there's even a balance to
strike there. And so, I just wanted to offer up
that distinction as well.

So, very complex, and complicated set
of questions, and I don't know that we're going
to figure all of this out in this hearing today.
But I just want you to know that a lot of
consideration has gone into how to structure
that, and really the responsibility for the
balance falls on the BID, and is certainly a part
of our frequent conversations with the National
Park service.

MEMBER SHORT: Thank you.

CHAIRPERSON ANDERSON: Mr. Kline, do
you wish to provide a response?

MR. KLINE: Yeah, just a few things.
Mr. Short has raised some concerns, and they're
certainly legitimate with respect to any
operation. This is unique, and I think as we've
tried to lay out, there's been an effort to
cooperate all along. There are a number of
different events that are involved here, and
nobody's in the dark.

And there's really an effort to make sure that there is a good use of this space, and good compromises concerning the various interests. I want to turn back to something that I said at the outset. And I know Mr. Short you have concerns about this public property being used. I know this park. As I said, my law practice started around the corner many years ago.

And it's beautiful, and with the renovation that's been done, a lot of money has been spent. But I've seen this park renovated before, and it was renovated, but without it being activated, it will be a scary place again. And that's -- the purpose of this is to enliven it, is to make it like Bryant Park in New York, or other parks around the country in urban areas.

Where people will want to come, and people won't be afraid to walk across it, because I've been down there, and been afraid to walk across it. And that's the purpose here. Now, in terms of your specific concerns, there is a very serious question given that this is federal land, that this even needs a local ABRA license, and a
local ABC license.

But no one's here to raise that question. I mean one of the reasons that we're here is we welcome, and the BID welcomes, and the Park Service welcomes bureau oversight. And in terms of how taxes are going to be collected, and what rules are going to apply, yes Mr. Short, the same rules that apply to a brick, and mortar license will apply to this ABC licensee because they're going to be an ABC licensee.

Which means they have to collect, and remit the ten percent sales tax, they have to pay their employment tax, and all the other taxes that are involved in running a brick, and mortar space. They won't pay real estate taxes, because that's not a part of their business deal, but there is a percentage that's being paid to the BID to help maintain this park as Mr. Price mentioned.

So, all of the regulatory features that you see with respect to any other business will be in place, that's why we're here. Even though there's some question as to whether it's necessary, not a question we want to raise, because all of us agree, the BID agrees, the Park
Service agrees, Ms. Valero agrees that the best way to move forward is through this process.

And having your Board, and your agency having oversight over this business, so that the public is protected. And all parties have worked, and will continue to work with the ANC, and the other affected residents with respect to the operation here. So, I understand concerns, and this is a discussion we have, for example with public space applications all the time.

The argument about appropriation of public space for private use, but that's not this discussion. That's a discussion among the Park Service, and Ms. Valero, and what have you. We're here to ask about having this facility licensed by you so that there will be the appropriate oversight. So that the concerns that you raised Mr. Short, will be addressed in the normal course of business in accordance with District law.

So, we would ask you to allow this to move forward. We've already started working with the ANC, and we'll continue to do so to address some of the other issues that you've raised in terms of concerns of residents, and I'm pretty
sure, given the progress that's already been made, that those will all be worked out.

If there are any specific questions, there's a lot to unpack there, but I think we've generally tried to address the concerns that have been raised, and of course we're happy to answer any other questions that any Board member has.

CHAIRPERSON ANDERSON: Mr. Price, I think this is more of an issue for you, a question for you. This is regarding the permit. Do you have a copy of the permit in front of you, the permit that covers the period of April 1st, through June 30th, 2022? And there, provision C and D. C says that the permittee is responsible for updating the necessary permissions, and, or additional permits from the metropolitan department.

Or from other federal, state, or local agencies, or departments for the use of public lands other than those under the jurisdiction of the National Park Service. And letter D says pursuant to the philanthropic partnership agreement between the National Park Service, National Mall, Memorial Parks, and the Downtown D.C. Business Improvement District.
And the Downtown D.C. foundation is authorized to the sale or service of alcoholic beverages as part of a permitted activity, and fund raising event approved in the annual work plan. And then it says the annual work plan did not include any activities wanting to serve alcoholic beverages. Are those two provisions in conflict?

And why is it that we're being asked to grant an alcohol license to this licensee if it appears that this agreement doesn't contemplate that alcohol would be utilized? Am I missing something?

MR. PRICE: I am trying to pull up the actual permit, I did not have it in front of me, so I'm working to get that right now. I was not aware of that particular line that you're reading.

CHAIRPERSON ANDERSON: Remember I told you guys 20 minutes ago, that if you have the permit, please pull the permit, because I'm going to ask a question about the specific permit. I mean, do you Mr. Kline, have a copy of the permit? Can anyone address?

MR. PRICE: Mr. Kline, you are on
MR. KLINE: I have it up, and I can share it if that would be helpful.

CHAIRPERSON ANDERSON: Can anyone address that? I'm just -- it's a concern, since all the parties are here, maybe someone can address that to are these two provisions in conflict? And if they are not, let us know.

Like I said before, we don't want to go through the exercise of saying that this process can go forward, and then the National Park Service says by the way, you can't do that. I don't know.

I'm sorry, who was speaking?

MS. MENDIE: Cecily Mendie, I'm sorry.

So, I do see what you're saying, I'm looking at letter D, and to be quite frank, I'm a little confused by it. Because we had the conversation with the National Park Service, and one of the things that was stated by the National Park Service was that we did not need to go through ABRA for even this process that we're going through right now.

And that the retail operator would indeed be able to serve alcohol. We did place into the annual work plan, the fact that this
event would specifically have alcohol being sold.
So, I am a little bit taken aback by what you're
reading right now. But certainly the National
Park Service is aware of the fact that alcohol is
going to be served at this event.

MR. PRICE: Yeah, I actually think
that this might have been a standard line that
was in here, and inadvertently included, and
certainly can take this back with the team at the
Park Service. We've had explicit conversations
about events that would include alcohol being
served during this time period. So, I'm not sure
why that line is in here. It's frankly, the
first time I'm seeing this to be honest.

CHAIRPERSON ANDERSON: Okay. Well,
whatever decision that the Board makes today,
it's not going to happen overnight. Because if
the Board determines that this can move forward,
what the Board's going to say is that it can move
forward to be placarded, to the 45 day placarded
period. So, you still have an opportunity to
correct this.

So, if a major error is made, then
that can be corrected through the process,
because you do -- because you have some time to
provide an updated agreement to the agency. And whether, or not -- the bottom line is that my position as Board chair is that there is an entity within D.C. that sells, or serves alcohol, we should have jurisdiction over it.

That's just my personal opinion, because as far as the ANC is concerned, if there's a noise complaint, or something occurs, they're going to call ABRA. And I don't want us to be in a position by saying although we are the agency in D.C., but we don't have jurisdiction, so sorry, we can't help you. My personal opinion is that I want us to regulate every entity in D.C. that sells, or serves alcohol.

Because the public, they're going to turn to ABRA to say you, ABRA needs to do something about it. And I don't want it ever that ABRA is in a position to say I'm sorry general public, this is not ours. We don't have jurisdiction, so we can't help you. And I don't think that's something that the ANC would ever want us to state.

And I see she's still shaking her head, so I'm just saying that personally I do appreciate that applicants come to us for a
license to say that at least so we can be responsive to the residents of the District of Columbia for every licensee, over every licensee in D.C. that sells, or serves alcohol. But again, because of our status, that's not always true. But to the extent possible, I want to make sure that that occurs. MR. PRICE: Absolutely, and thank you for clarifying that. I think we -- I'm sorry Cecily. MS. MENDIE: No, go ahead. MR. PRICE: I was going to say I'm relieved to hear that we have a little bit of time to do that. I think that we should setup main page NPS and get that corrected. It looks like a holdover from the last permit, where we didn't have any events. They just need to change that line, I think likely it was just missed. But I certainly appreciate that.

CHAIRPERSON ANDERSON: Any other questions by any of the Board members? And then I will -- any questions by any Board members before I dub that this hearing has been -- our data is out of whack, but that's not a problem, because I think this is an important issue for us
to take as much time as possible to address. And
so, I'm not hurrying anyone.

We're just going to take a lunch
break, and at some point our afternoon schedule
will start. But it's unfortunate that we were
supposed to have a protest hearing this
afternoon, so it's no longer in play. So, we do
have some more flexibility with time, so that is
good. Although we still have two show cause
hearings this afternoon.

But anyway, any other questions by any
other Board members? I'm going to do a wrap up,
so I'll start with the ANC. Any comments by the
ANC prior to -- you always have the last word Mr.
Kline, so any comments by the ANC?

MS. JOSEPH: Thank you, Chair
Anderson. Yeah, I'll just say I've lived four
blocks north of Franklin Park now for eight
years, and I think this is probably the most
amount of excitement that I've seen the community
express in the development that's happening
there. So, just to address some of the points
that Mr. Short made.

I know, even myself, I've used that
park more in the last year than I have in the
eight years that I've lived here. So, definitely looking forward to the developments that are happening. As a representative of 2F, we're also excited that this is a destination for other folks from D.C. to come into. So, we're looking at this also as an economic development opportunity for the businesses.

Especially many of those in that K Street corridor that have been affected by the pandemic, and are still struggling with folks not coming back into offices. So, we're looking forward to that bump up in the economic development of 2F as well. And then also for options for our public to be able to enjoy outdoors, we're still in the middle of the pandemic, I know a lot of people are still concerned.

And so the people that I've seen in the park are often people with small children, who don't have access to vaccines yet. So, generally this does seem to be a solid investment. Now, that being said, I think Chair Anderson definitely raised some great questions about oversight. So, eager to continue to work with you all.
But generally we are supportive of the park, and its ongoings, and look forward to working with the team to alleviate any concerns that have up come up thus far.

CHAIRPERSON ANDERSON: Thank you, Ms. Joseph. Comments and concerns by the BID?

MS. MENDIE: Cecily Mendie. The only thing that I would like to add, as Ms. Joseph stated, the park has been open since September of last year, and in the time that we've opened, we, I believe have done just a great job of making it a space for everyone. It is accessible, it's friendly, it's clean, it's safe. We have overnight security, we have the cameras, we have everything that we need.

But we also have programs, and they've been very successful. We've had few complaints, and the complaints that we've had, we've taken those opportunities to learn, and to make the changes that we need to make to continue to operate this park, and make it a great public space for all. And yeah, it is also a destination space.

It is not going to be a space that's going to be privatized exclusively. It is going
to continue to be a public park. And we're just excited for the opportunity to be able to continue to do the work that we're doing there. Thank you.

CHAIRPERSON ANDERSON: Thank you, Ms. Mendie.

MR. PRICE: Very well put, Ms. Mendie, I appreciate you saying that. This is Gerren Price, just the last thing I would say is really just echoing that. Glad to hear the excitement from our ANC commissioner Joseph just around what it means for the community that has been our experience, and the feedback that we've received as well.

But I just want to thank you Chairman Anderson, and thank you to the rest of the Board, just for your time, and thoughtfulness around this. We recognize this is a complicated jurisdictional challenge. It is a sort of new challenge for us to tackle. So, we appreciate the time, and the energy that's gone into this thus far, and look forward to any continued collaboration that may be helpful as we're sort of moving towards the process.

We'll flag that we are very hopeful
that the event for Saturday will be cleared, and
that we are really looking forward to it. It is
a part of the official calendar of the National
Cherry Blossom Festival, which is a huge deal for
the BID, and just for the city as a whole. And
looking forward to Saturday being a success.
Just wanted to flag that we are hoping that that
will happen. But thank you again, and appreciate
your time.

CHAIRPERSON ANDERSON: Thank you Mr.
Price. Ms. Valero, and Mr. Kline?

MR. KLINE: Just a few words. I echo
the comments that you've heard, I appreciate
Chair Joseph's comments, and also the comments
from the BID. I appreciate you holding this
hearing. This Board is to be commended for
always welcoming, and looking at novel approaches
to doing business. But balancing that against
the need for oversight.

And I think that this hearing is an
apt demonstration of that, and although hard
questions were asked, they always are, but I
think we've answered them. And if other
questions arise, we're certainly available, and
we'll try to answer them. We think this is
something that is terrific for this neighborhood, and you've heard the ANC's comments, you echoed that, you're the BID, and you're obviously very supportive.

And appreciate your consideration of that, and hope that you will support it going forward, exercising the right balance in allowing new types of activities, and new types of concepts against the necessity to regulate, both of which are part of your jobs. And it doesn't go in that -- you do a good job of that, and I know the citizens of the District of Columbia appreciate it.

And the questions here today were welcomed, and hopefully were answered to your satisfaction. Thank you.

CHAIRPERSON ANDERSON: All right, thank you Mr. Kline, thank you Ms. Valero, thank you Mr. Price, Ms. Mendie, Ms. Joseph, Ms. Stiger, Mr. Romanowski, and I'm bad with names, I apologize, but I want to thank everyone for participating in this hearing today. This has been very helpful. As I stated before it's a fact finding hearing, we're gathering information.

And the purpose -- what the Board's
charge is today, is to make a decision whether, or not this is an appropriate license to move forward. Move forward meaning that should this be placarded, and therefore meaning that we now inform the public that The Springs have applied for a license, and that the public will have 45 days to either protest, or not protest.

And so, therefore it would be an opportunity for the licensee, and I know that Mr. Kline's aware, to engage the ANC, any civic association that's in the area, who might have, or but in proxy, I don't believe because it's a park in the middle of the city there are no -- at least it's not apparent to me that there's any property owners to say who would have jurisdiction to protest this.

But this would be then an opportunity to weigh in to see whether, or not they believe that this is an appropriate action for the Board to take. So, as I stated, that this is the process moving forward. So, we'll make a decision whether, or not we will allow this process to move forward. Not whether, or not we're going to grant the license.

It's to allow the process to move
forward, and the process is whether, or not we should now inform the public that an application was filed. We will also make a decision, I am not clear exactly when the license, when the substantial change request was made. I am not clear, but I will ask the agency again, to provide us more information exactly when the substantial change request was filed.

If the substantial change request was timely filed to the agency, we will consider that. That's why -- I said if it was timely filed, we will consider it. If it's not timely filed, we will not consider it, and we will make an independent determination on the temporary license. But the decision will be made at some point this afternoon, when the Board comes back for the public hearing.

We will vote publicly on all the agenda items. So, it's not on our calendar, but we probably have to amend our calendar to add the substantial change, amend the licensing agenda to add the substantial change if it was timely filed. If it was not timely filed, we're not going to amend our calendar, because we need to let the public know that we're voting on
something that's not on our published calendar.

   But we will do that before, and so
you'll get a decision before the Board adjourns
for the day on those issues. All right, so thank
you everyone for your attention today. I know
the afternoon session for the Board was supposed
to start at 1:30, it is now 2:10. The Board is
going to go to lunch, so we will come back for
our afternoon session at 2:45.

   At 2:45 we will have our afternoon
session. I'm going to ask the Board members to
quickly go to a separate session for about five
minutes just to do some housekeeping before we go
to lunch, but again, I thank everyone for their
active participation today, and we're adjourned
for the day. We will be back on the public
record at 2:45, thank you, have a great day.

   (Whereupon, the above-entitled matter
went off the record at 2:10 p.m.)
<table>
<thead>
<tr>
<th>Term</th>
<th>Page Numbers</th>
<th>Line Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>difficult</td>
<td>12:1, 21</td>
<td>3:12</td>
</tr>
<tr>
<td>difficulties</td>
<td>15:23</td>
<td>3:12</td>
</tr>
<tr>
<td>direct</td>
<td>16:13</td>
<td>3:12</td>
</tr>
<tr>
<td>direction</td>
<td>18:6</td>
<td>3:12</td>
</tr>
<tr>
<td>directly</td>
<td>20:22</td>
<td>3:12</td>
</tr>
<tr>
<td>director</td>
<td>22:22</td>
<td>3:12</td>
</tr>
<tr>
<td>discuss</td>
<td>24:7</td>
<td>3:12</td>
</tr>
<tr>
<td>discussion</td>
<td>26:13</td>
<td>3:12</td>
</tr>
<tr>
<td>distinguished</td>
<td>28:15</td>
<td>3:12</td>
</tr>
<tr>
<td>distributors</td>
<td>30:14</td>
<td>3:12</td>
</tr>
<tr>
<td>District</td>
<td>32:13</td>
<td>3:12</td>
</tr>
<tr>
<td>destination</td>
<td>34:12</td>
<td>3:12</td>
</tr>
<tr>
<td>deliver</td>
<td>36:13</td>
<td>3:12</td>
</tr>
<tr>
<td>delivered</td>
<td>38:15</td>
<td>3:12</td>
</tr>
<tr>
<td>delivery</td>
<td>40:22</td>
<td>3:12</td>
</tr>
<tr>
<td>deliveries</td>
<td>42:13</td>
<td>3:12</td>
</tr>
<tr>
<td>department</td>
<td>44:23</td>
<td>3:12</td>
</tr>
<tr>
<td>departments</td>
<td>46:14</td>
<td>3:12</td>
</tr>
<tr>
<td>department</td>
<td>48:15</td>
<td>3:12</td>
</tr>
<tr>
<td>depended</td>
<td>50:16</td>
<td>3:12</td>
</tr>
<tr>
<td>described</td>
<td>52:17</td>
<td>3:12</td>
</tr>
<tr>
<td>describes</td>
<td>54:18</td>
<td>3:12</td>
</tr>
<tr>
<td>designated</td>
<td>56:19</td>
<td>3:12</td>
</tr>
<tr>
<td>determined</td>
<td>58:20</td>
<td>3:12</td>
</tr>
<tr>
<td>determined</td>
<td>60:21</td>
<td>3:12</td>
</tr>
<tr>
<td>determined</td>
<td>62:22</td>
<td>3:12</td>
</tr>
<tr>
<td>determined</td>
<td>64:23</td>
<td>3:12</td>
</tr>
<tr>
<td>determines</td>
<td>66:24</td>
<td>3:12</td>
</tr>
<tr>
<td>development</td>
<td>68:25</td>
<td>3:12</td>
</tr>
<tr>
<td>developments</td>
<td>70:26</td>
<td>3:12</td>
</tr>
<tr>
<td>development</td>
<td>72:27</td>
<td>3:12</td>
</tr>
<tr>
<td>develop</td>
<td>74:28</td>
<td>3:12</td>
</tr>
<tr>
<td>develops</td>
<td>76:29</td>
<td>3:12</td>
</tr>
<tr>
<td>dictated</td>
<td>78:30</td>
<td>3:12</td>
</tr>
<tr>
<td>dictates</td>
<td>80:31</td>
<td>3:12</td>
</tr>
<tr>
<td>difference</td>
<td>82:32</td>
<td>3:12</td>
</tr>
<tr>
<td>different</td>
<td>84:33</td>
<td>3:12</td>
</tr>
<tr>
<td>difficult</td>
<td>86:34</td>
<td>3:12</td>
</tr>
<tr>
<td>difficulties</td>
<td>88:35</td>
<td>3:12</td>
</tr>
<tr>
<td>direct</td>
<td>90:36</td>
<td>3:12</td>
</tr>
<tr>
<td>direction</td>
<td>92:37</td>
<td>3:12</td>
</tr>
<tr>
<td>directly</td>
<td>94:38</td>
<td>3:12</td>
</tr>
<tr>
<td>director</td>
<td>96:39</td>
<td>3:12</td>
</tr>
<tr>
<td>discuss</td>
<td>98:40</td>
<td>3:12</td>
</tr>
<tr>
<td>discussion</td>
<td>100:41</td>
<td>3:12</td>
</tr>
<tr>
<td>director</td>
<td>102:42</td>
<td>3:12</td>
</tr>
<tr>
<td>direct</td>
<td>104:43</td>
<td>3:12</td>
</tr>
<tr>
<td>direction</td>
<td>106:44</td>
<td>3:12</td>
</tr>
<tr>
<td>directly</td>
<td>108:45</td>
<td>3:12</td>
</tr>
<tr>
<td>director</td>
<td>110:46</td>
<td>3:12</td>
</tr>
<tr>
<td>discuss</td>
<td>112:47</td>
<td>3:12</td>
</tr>
<tr>
<td>discussion</td>
<td>114:48</td>
<td>3:12</td>
</tr>
</tbody>
</table>


(202) 234-4433
CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: The Springs

Before: DC ABRA

Date: 03-30-22

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

Neal R. Gross
Court Reporter