

DISTRICT OF COLUMBIA  
+ + + + +  
ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:                   :  
   :  
Town 2.0, LLC,                       :  
t/a (To Be Determined)           :  
1001 North Capitol Street:  
NE                                     : Protest  
Retailer CN - ANC 6C               : Hearing  
License No. 114559                 :  
Case #19-PRO-00101               :  
   :  
(Application for a New             :  
License)                             :

Wednesday  
December 4, 2019

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Donovan W. Anderson, presiding.

PRESENT:

- DONOVAN W. ANDERSON, Chairperson
- BOBBY CATO, JR., Member
- RAFI ALIYA CROCKETT, Member
- JAMES SHORT, JR., Member

**ALSO PRESENT:**

**LYLE M. BLANCHARD, Counsel for Protestant  
DREW COURTNEY, ANC 6C, Protestant  
RICHARD MCKINNON, Protestant  
STEPHEN O'BRIEN, Counsel for Applicant  
JOHN GUGGENMOS, Applicant  
MIKEA NELSON, Witness  
ROBERT HUDSON, Witness  
TRUNG VU, Witness  
JOHN FANNING, Witness  
ERIC JOHNSON, Witness  
CHAPMAN TODD, Witness  
MICHAEL DEHART, Witness  
CALVIN JOHNSON, Witness  
MICHELLE SMITH, Witness  
REVEREND LARRY WEST, Witness  
DENISE BLACKSON, Witness  
ROGER WHITFIELD, Witness  
WILLIAM MAIDAN, Witness  
MARTIN JUDE BEAM, Witness**

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1 P-R-O-C-E-E-D-I-N-G-S

2 1:38 p.m.

3 CHAIRPERSON ANDERSON: So our next  
4 case is another protest hearing, Case Number 19-  
5 PRO-00101, To Be Determined, License Number  
6 114559. Will the parties please approach and  
7 identify themselves for the record, please.

8 MR. O'BRIEN: Stephen O'Brien for the  
9 Applicant.

10 CHAIRPERSON ANDERSON: Mr. O'Brien.

11 MR. O'BRIEN: I'm accompanied by John  
12 Guggenmos, G-U-G-G-E-N-M-O-S, he's the managing  
13 member of the limited liability company,  
14 Applicant.

15 CHAIRPERSON ANDERSON: All right, sir,  
16 who else do we have?

17 MR. BLANCHARD: Good afternoon, Lyle  
18 Blanchard for two protestants, a group of six  
19 residents in North Capitol Commons Limited.

20 CHAIRPERSON ANDERSON: And I'm sorry,  
21 who are the North Capitol?

22 MR. BLANCHARD: North Capitol Commons  
23 Limited Partnership.

24 CHAIRPERSON ANDERSON: And who else do  
25 we have?

1 MR. COURTNEY: Drew Courtney, I'm the  
2 Commissioner for ANC6C06, and I'm representing  
3 the ANC in this matter.

4 CHAIRPERSON ANDERSON: So there are  
5 three protestants? Is there another protestant?  
6 Who is that?

7 MR. MCKINNON: My name is Richard  
8 McKinnon. I represent the Group of Nine.

9 CHAIRPERSON ANDERSON: Mr. who?

10 MR. MCKINNON: Richard McKinnon, M-C-  
11 K-I-N-N-O-N.

12 CHAIRPERSON ANDERSON: Can you please  
13 remove your hat, sir? Please. All right. I  
14 know that we have -- there are four protestants  
15 and I think so far we have three different  
16 designated representatives.

17 And I'm requesting it, and it's  
18 pursuant to Section 1612.8, it says, in a case  
19 where there is more than one protestant, the  
20 Board, in its discretion, may request that the  
21 protestants designate one person to conduct the  
22 protestant's case, to give the opening and  
23 closing statements, and to cross-examine the  
24 Applicant's witnesses.

25 Because if that's the case, then we

1 would end up having four people -- well, in this  
2 case, three, three opening statements, three  
3 closing, and so -- and then since each side would  
4 be given an hour and a half, we're then talking  
5 about four and a half hours just for the  
6 presentation of the case.

7 So I'm requesting that one person be  
8 identified as the designated representative. I  
9 mean, the witnesses can still be called, but we  
10 just need to streamline this process, so who is  
11 the person?

12 MR. BLANCHARD: That will be me.

13 CHAIRPERSON ANDERSON: Mr. Blanchard,  
14 how are you so fortunate?

15 MR. O'BRIEN: Yes.

16 MR. BLANCHARD: Luck of the draw.

17 CHAIRPERSON ANDERSON: All right.

18 Well, thank you.

19 MR. COURTNEY: I would like to make  
20 one comment, though --

21 CHAIRPERSON ANDERSON: Yes, sir.

22 MR. COURTNEY: -- just a procedural  
23 matter on that, we're totally comfortable with  
24 Mr. Blanchard representing the case. I do want  
25 to draw your attention to an important difference

1 between two of the PIFs that you were submitted.

2 The PIF from the ANC and the PIF from  
3 the group of six.

4 CHAIRPERSON ANDERSON: Yes.

5 MR. COURTNEY: Both of them seek --  
6 ask for the Board to deny the license. The group  
7 of six goes further and asks for a set of  
8 conditions to be imposed should the Board decide  
9 to grant that license.

10 CHAIRPERSON ANDERSON: Okay.

11 MR. COURTNEY: The ANC did not see fit  
12 to put that in. I do just want to comment that  
13 one of the provisions that's listed in there, the  
14 ANC would actually oppose, and that is the  
15 requirement that Lyft and Uber traffic be  
16 directed to K Street.

17 And in order to eliminate the need for  
18 me to be a witness to rebut that, I just wanted  
19 to make sure that that was noted on the record,  
20 that the ANC would not support a restriction in a  
21 license driving -- requiring traffic like that to  
22 be put on K Street.

23 That's for unrelated traffic and  
24 public space concerns.

25 CHAIRPERSON ANDERSON: I mean, that's

1 fine. I mean, the parties can specify what is it  
2 that they are asking the Board to do.

3 MR. COURTNEY: Yes, I just --

4 CHAIRPERSON ANDERSON: Yes.

5 MR. COURTNEY: -- didn't want our  
6 silence on that, in particular, to be taken as  
7 acquiescence, because on that, we would have  
8 concerns, and so I just wanted it to be in the  
9 record.

10 CHAIRPERSON ANDERSON: Well, I mean,  
11 at the end of the hearing, I will ask, what is it  
12 that the parties are asking the Board to do,  
13 whether or not you're saying, is there agreement  
14 amongst the parties to say, grant the license,  
15 deny the license, or grant with conditions, so  
16 that's fine.

17 And of course, if the ANC is against  
18 -- so although I will have one designated -- one  
19 person designated, then he can clearly state,  
20 this is the ANC's position. This is the group of  
21 six, this is the -- with respect to groups, this  
22 is their position regarding the issue, and so  
23 therefore, the ANC is asking that the license not  
24 be granted or the ANC is saying, if the Board  
25 decides to grant the license, these are the



1 conditions that the Board would ask for.

2 The group could also -- so the  
3 different parties can tell us what their position  
4 is for, but just in the sense of opening and  
5 closing, and cross-examining witnesses, and just  
6 having one person, makes it smoother, but I  
7 appreciate that.

8 MR. COURTNEY: Thank you.

9 CHAIRPERSON ANDERSON: And I have not  
10 looked at the PIF, so I don't know what's on the  
11 PIF. All right. But I will ask -- at the  
12 opening, then I will ask that the parties state  
13 what is it that they're seeking, asking, the  
14 Board to do.

15 And I've always stated to folks, it's  
16 not too late, if you want a settlement agreement  
17 and you ask the Board to memorialize it, I'm  
18 still open to do that. I've always been open  
19 that way.

20 As I've said to -- I've always said to  
21 the parties, at the end of the day, this is your  
22 neighborhood. I don't think any of us live in  
23 that neighborhood, so therefore, whatever  
24 decision that we make today, yes, it's in the  
25 best interests of the residents of the District

1 of Columbia as a whole, but that doesn't  
2 necessarily mean that it is in your best  
3 interests, because you live right there.

4 So that's one of the reasons I've  
5 always said to folks, because you live there and  
6 if you can agree to terms, then fine. If not, I  
7 have no problem, the Board listening, and making  
8 a decision.

9 So if you want three, five minutes to  
10 see if you can come to an agreement and let me  
11 know, if not, we'll do the protest hearing.  
12 That's standard that I offer at all protest  
13 hearings that I have.

14 All right. So I've made my opening  
15 remarks. Are there any -- and so, basically, the  
16 way this is at, each side will have 90 minutes to  
17 -- and I'm going to try to be very specific in  
18 the timeline, so we'll give you five minutes for  
19 opening, five minutes for closing, and 90 minutes  
20 for direct and cross-examine of your case.

21 And so therefore, be mindful that when  
22 you're cross-examining witnesses, outside of the  
23 Board witness, that that's taking away from your  
24 time, and so therefore, don't spend all your time  
25 cross-examining the witness.

1           Your time is best giving direct  
2 testimony, because when you give direct  
3 testimony, at least we know what it is that  
4 you're trying to get at.

5           But if you spend an hour cross-  
6 examining the witnesses, then when it's time for  
7 you to present your case, and we only say that  
8 you only have 20 more minutes, and you're going  
9 to say, well, I need more time.

10           And I try not to -- I'm not a stickler  
11 for time, per se, but in this particular case,  
12 since we have another hearing at 4:30, which is  
13 not going to start at 4:30. I'll let you know  
14 that, okay? Yes, we have another protest hearing  
15 at 4:30, it's not going to start at 4:30, unless  
16 you guys are just so fast that we'll do this by  
17 4:30.

18           So I don't want to say that, okay, our  
19 time is limited, I just want you to be cognizant  
20 of the time, okay? All right.

21           All right. How many witnesses do you  
22 have, Mr. O'Brien?

23           MR. O'BRIEN: I think I can eliminate  
24 one, so I think including the Applicant's  
25 representative, I'm down to five additional total

1 witnesses.

2 CHAIRPERSON ANDERSON: So you have  
3 five witnesses. And --

4 MR. O'BRIEN: Six, including -- no,  
5 the Applicant's going to testify.

6 CHAIRPERSON ANDERSON: Six witnesses  
7 and about -- as learned counsel, about how long  
8 do you believe that you anticipate it would take  
9 you to present your case?

10 MR. O'BRIEN: Well, I appreciate that.  
11 I am counsel, yes. I'll fit it in. I'll --

12 CHAIRPERSON ANDERSON: No, the reason  
13 I'm asking, I'm asking because I'm going to give  
14 some instructions to the 4:30 folks to let them  
15 know what time we believe that we'll start, so  
16 that's why I'm asking, like, how many witnesses,  
17 so I can kind of judge.

18 MR. O'BRIEN: Right. Three of the  
19 witnesses are very quick.

20 CHAIRPERSON ANDERSON: Okay.

21 MR. O'BRIEN: Two minutes each.

22 CHAIRPERSON ANDERSON: Okay. All  
23 right.

24 MR. O'BRIEN: We've got two experts,  
25 but I don't think either one of them will ramble.

1                   CHAIRPERSON ANDERSON: Okay. All  
2 right. So you believe that you'll take your --  
3 an hour and a --

4                   MR. O'BRIEN: and one rambling client.

5                   MR. GUGGENMOS: Guilty.

6                   CHAIRPERSON ANDERSON: Yes. You  
7 believe you could take an hour and a half to do  
8 your case.

9                   MR. O'BRIEN: Yes.

10                  CHAIRPERSON ANDERSON: What about the  
11 protestant, how many witnesses do we have for the  
12 protestant? How many witnesses do you have --  
13 going to present today?

14                  MR. BLANCHARD: I have eight.

15                  CHAIRPERSON ANDERSON: Okay.

16                  MR. BLANCHARD: But Mr. McKinnon, I'm  
17 not including Mr. McKinnon or any witnesses he  
18 might have.

19                  CHAIRPERSON ANDERSON: So how many  
20 witnesses does Mr. McKinnon have?

21                  MR. MCKINNON: Four.

22                  CHAIRPERSON ANDERSON: Four? And Mr.

23 --

24                  MR. BLANCHARD: And that includes your  
25 testimony.

1 MR. MCKINNON: Yes.

2 CHAIRPERSON ANDERSON: And 8 and 4,  
3 12, and Mr. Courtney? I can't read my own  
4 writing.

5 MR. COURTNEY: Courtney. Yes.

6 CHAIRPERSON ANDERSON: Courtney.

7 MR. COURTNEY: I have listed myself as  
8 a witness in case it comes to that, but we don't  
9 intend -- I don't intend to testify in addition  
10 to what's already being heard.

11 CHAIRPERSON ANDERSON: All right. So  
12 it's 2 o'clock. I'll say 6 o'clock. Four hours.  
13 Yes, 5:30. I'll say 5:30. Yes. That's -- I  
14 believe that should -- yes. All right. Are  
15 there any preliminary issues?

16 MR. O'BRIEN: Yes, I'd like a rule on  
17 witnesses, please.

18 CHAIRPERSON ANDERSON: All right. The  
19 rule on witnesses means that if you are going to  
20 testify at this hearing today, that you cannot  
21 sit in the hearing room to listen to other  
22 people's testimony.

23 So who are your witnesses, Mr.  
24 O'Brien? Are they here? Offset of your client.

25 MR. O'BRIEN: Yes. All present here.

1                   CHAIRPERSON ANDERSON: All right. So  
2 who are they? Can they stand up so we can have  
3 them depart the room?

4                   MR. O'BRIEN: Mr. Fanning, Mr. Hudson,  
5 Dr. Vu, Mr. Baylan, and all the way in the back,  
6 Mr. Maidan. Beam, I'm sorry, Beam. All the way  
7 in the back is Mr. Maidan.

8                   CHAIRPERSON ANDERSON: Who are your  
9 witnesses, Mr. Blanchard?

10                  MR. BLANCHARD: My witnesses will  
11 stand up so that I can --

12                  CHAIRPERSON ANDERSON: All the folks  
13 who are supposed to be testifying today can --  
14 for the group -- all right. So all the folks --  
15 so this is the universe of everyone that's going  
16 to testify today?

17                  MEMBER CROCKETT: This is only six  
18 people. You said 12.

19                  CHAIRPERSON ANDERSON: Is there anyone  
20 else who's supposed to testify here today? So  
21 everyone who's going to testify -- so all the  
22 folks who have stood, we're going to take you out  
23 of the heat and put you in a cooler place to sit  
24 and wait.

25                  So you're going to miss all the fun,

1 so I would ask that you depart the room and we'll  
2 try to find ABRA staff to find a comfortable  
3 place for you to sit and wait.

4 You can hang in the hallway, we have  
5 a room, but at least you won't have to sit here  
6 in the sweltering heat with us, and we're trying  
7 to have building management turn the heat down,  
8 but -- all right.

9 All right. Any other preliminary  
10 issues? Any other preliminary issues, Mr.  
11 O'Brien?

12 MR. O'BRIEN: No, sir.

13 CHAIRPERSON ANDERSON: Mr. Blanchard?  
14 No, Mr. McKinnon.

15 MR. MCKINNON: Yes.

16 CHAIRPERSON ANDERSON: Yes. Mr.  
17 Courtney, he's going to be the only witness. Any  
18 other preliminary issues? No? All right. So  
19 we'll start with the Applicant's opening -- yes,  
20 Mr. --

21 MR. O'BRIEN: Mr. Chair, I believe two  
22 individuals just entered the room and --

23 CHAIRPERSON ANDERSON: They're not  
24 witnesses.

25 MR. O'BRIEN: Very well.



1                   CHAIRPERSON ANDERSON: I would be very  
2 surprised. No, but they're not witnesses.  
3 They're here --

4                   MR. O'BRIEN: Well, I just saw two  
5 people start to sit down and caught my eye.

6                   CHAIRPERSON ANDERSON: They're here  
7 for something else and the Board will not be  
8 getting to that any time soon.

9                   MR. O'BRIEN: Very well.

10                  CHAIRPERSON ANDERSON: All right. Do  
11 you wish to make an opening statement?

12                  MR. O'BRIEN: Thank you, Mr. Chair.  
13 Town was a nightclub at 2000 Block of A Street NW  
14 for ten years. Very successful nightclub. It  
15 lost its lease a couple years ago to  
16 redevelopment and John Guggenmos, the principle  
17 and his partners, have been looking for a site to  
18 try to resurrect the spirit of Town.

19                  That's why the Applicant's LLC name is  
20 Town 2.0, although we still haven't hit for sure  
21 on a trade name. The location is the former St.  
22 Phillips Baptist Church on the northeast corner  
23 of North Capitol Street and K Street.

24                  The entire issue in this case, as I  
25 understand it, the proximity of this site, which

1 is at 1001 North Capitol, to a residential  
2 building at 1005 North Capitol, and I'll let my  
3 learned brother make his own case, but some might  
4 describe the population of that building as  
5 vulnerable.

6 And we understand the issues in this  
7 case to be fear of noise, vibrations, and other  
8 forms of disruption to the residential  
9 tranquility next door.

10 We think that that -- we'll show those  
11 fears are speculative. The evidence is going to  
12 show that the Applicant is very, very sensitive  
13 to these concerns and is going over backwards, or  
14 backward, in order to address those concerns.

15 And the evidence will show that the  
16 Applicant's principles have a long history in  
17 this city of responsible operation and can be  
18 counted upon to adhere to their commitments.

19 Thank you.

20 CHAIRPERSON ANDERSON: Mr. Blanchard.

21 MR. BLANCHARD: Thank you. I'm just  
22 going to read some of the PIF, since the Board  
23 doesn't look at that. The Applicants -- and this  
24 is pretty much consistent for both -- for all the  
25 protesters, the Applicant's proposed nightclub

1 will add another large-capacity, late-night  
2 establishment with a summer garden to this  
3 neighborhood, and will abut the protestant's  
4 building.

5 That's the group of six in the North  
6 Capitol Limited Partnerships building at 1005  
7 North Capitol Street.

8 The protestant's owner and residence  
9 are already very concerned about noise from  
10 patrons of other establishments.

11 CHAIRPERSON ANDERSON: Hold on there,  
12 Mr. Blanchard. Go ahead. Go ahead, sir.

13 MR. BLANCHARD: So the protestants are  
14 concerned about the capacity, the late night  
15 hours, and the activity that this nightclub will  
16 attract, not the patrons themselves, but criminal  
17 activity that might prey on the people.

18 The protestants are concerned, the  
19 Applicant has not offered to my clients, any  
20 specifics prior to the filing of the PIF and in  
21 the exhibits, on limiting noise, or floorplans,  
22 or anything of that nature.

23 There's another establishment nearby  
24 that already has late night hours that already  
25 disturbs the residents there. The residents are,

1 I believe it's a 120-unit building, 60 of those  
2 units are reserved for former veterans, and  
3 homeless persons, and the rest of the units are  
4 affordable housing.

5 The Mayor's pushed for affordable  
6 housing, the Deputy Mayor for Economic  
7 Development helped select this site as affordable  
8 and disabled, and formerly homeless building, as  
9 you'll hear later.

10 And so this -- siting a nightclub  
11 that's going to disturb that population is not in  
12 the best interest of the District.

13 We have offered some conditions, which  
14 I will get into in the closing. They may not be  
15 palatable to the Applicant, but we had asked for,  
16 if the Board does not deny the license, that  
17 there be no outdoor seating at any hour, that the  
18 doors facing North Capitol Street are emergency  
19 exit only, that all lines for patrons to enter  
20 are exclusively on the unit block of K Street,  
21 that the club's hours of operations will not go  
22 past midnight, that the admission will be for 21  
23 years and older, and that all trash and loading  
24 will be on the K Street side.

25 The door on North Capitol to the

1 church is right next to the door to this -- my  
2 client's building.

3 And then the -- well, we'll hear later  
4 about whatever noise proofing, but there's been  
5 no study that's been proffered, only assertions  
6 about noise proofing, so we don't know what's  
7 going to happen.

8 So if there is noise proofing, we want  
9 proof before the license is issued, that the  
10 residents won't be able to hear the noise in the  
11 building.

12 And then finally, and this is the  
13 point that the ANC diverges from my client's  
14 position, that there be some drop-off, dedicated  
15 drop-off, pickup area because the Applicant has  
16 proffered that most of its patrons for a 524-  
17 person establishment that's operating from noon  
18 until 2:00 or 3:00 in the morning, and then stays  
19 open until 4:00 or 5:00, will come by rideshare,  
20 taxis, Lyft, Uber, actually, the Metro station  
21 doesn't operate past midnight.

22 So what we're asking for is that the  
23 Board deny the license or impose suitable  
24 conditions to address our concerns about  
25 appropriateness, both noise and traffic.

1                   CHAIRPERSON ANDERSON: You have not  
2 covered all the issues for both the group and for  
3 the ANC?

4                   MR. BLANCHARD: I believe the ANC  
5 shares in all but the rides haring issue and for  
6 Mr. McKinnon, his concerns were that the  
7 residents of the District and the longtime  
8 members of Mt. Airy Baptist Church, so his group  
9 are members of that congregation, which is one  
10 block away.

11                   CHAIRPERSON ANDERSON: Okay.

12                   MR. BLANCHARD: Located at 1100 North  
13 Capitol Street, have participated in well-needed  
14 ministry services to the residents of Northwest  
15 1, which is the neighborhood, and the surrounding  
16 communities.

17                   They have witnessed firsthand the  
18 hardship that substance abuse has caused in the  
19 community, and the witness, and personal  
20 engagement through ministry services, enabled  
21 them to note, in more cases than one, abuse was  
22 initiated with alcohol consumption.

23                   For many years, the people of  
24 Northwest 1 and the surrounding communities were  
25 served by holy sacraments and -- were served holy

1 sacraments through the church, and were invited  
2 to get away from the nuances of their vices for a  
3 period within the safe haven of this, to Phillips  
4 Baptist Church.

5 Convenience of drugs, including  
6 alcohol, has been too prevalent within the  
7 Northwest 1 community, moreover, the subject  
8 application would only add to substance  
9 convenience and would not help to alleviate what  
10 caring and concerned neighbors have worked hard  
11 through the years to diminish or eradicate for  
12 the betterment of their community.

13 And the address right next door to a  
14 residential building houses one of the most  
15 honored of our citizens, Vietnam veterans.

16 Some of the veterans attend church  
17 worship services, others are benefactors of  
18 outreach services, some are participating in  
19 Alcoholics Anonymous group, which is located at  
20 Mt. Airy Baptist Church, for residents who are  
21 war heroes and are now living at the John and  
22 Jill Conway residence, that's the name of my  
23 client's building, would be right next door, only  
24 a few feet away from a proposed operation.

25 The buildings are so close, one can

1       literally lean on one building and reach out to  
2       the other and touch the abutting building. The  
3       convenience factor for these heroes would be too  
4       prevalent, particularly as they were trying to  
5       rid themselves of the very same thing the license  
6       is proposing or providing.

7                 Additionally, the noise factor would  
8       be a major concern of these residents, the noise  
9       generated from inside the club, and the noise  
10      generated by the gathering crowds outside the  
11      club, either in the sidewalk café, that's  
12      actually summer garden, or the sidewalk where  
13      people would gather waiting on friends and  
14      acquaintances or waiting for transportation,  
15      would be a negative impact.

16                So that summarizes all the protestants  
17      concerns.

18                CHAIRPERSON ANDERSON: All right. I'm  
19      looking through -- while you were talking, I see  
20      a PIF from -- and maybe -- did -- Mr. Winston,  
21      did you file a PIF? Did you file a PIF?

22                MR. BLANCHARD: Mr. McKinnon --

23                CHAIRPERSON ANDERSON: Mr. McKinnon.  
24      Yes.

25                MR. BLANCHARD: That's what I just



1 read.

2 MR. MCKINNON: Yes, that's what he  
3 just read.

4 CHAIRPERSON ANDERSON: I don't have it  
5 in front of me. I see --

6 MR. MCKINNON: Yes, I did.

7 CHAIRPERSON ANDERSON: I mean, I don't  
8 have it. Did you guys receive one, Mr. O'Brien?

9 MR. O'BRIEN: Yes. The party is  
10 identified as a group of nine. You got a group  
11 of six and a group of nine, in addition to the  
12 ANC and the --

13 CHAIRPERSON ANDERSON: All right. If  
14 you've received it, then as time goes by, then  
15 I'll make sure. I don't see it in front of me,  
16 but if you're in receipt of the PIF, then I'm  
17 fine with that.

18 MR. O'BRIEN: Yes.

19 CHAIRPERSON ANDERSON: Okay. Is that  
20 the -- the Board will call its first witness, and  
21 that's Ms. Nelson. And so if you have not -- if  
22 you're not familiar with the way the process  
23 works is that the Board will present its witness.

24 So the Board's witness is our agent,  
25 who has gone out and done an investigation, who

1 has also written a report, which you should have  
2 a copy of the Board's report.

3 The Board will question its witness  
4 and ask -- will ask questions of the witness.  
5 Once the Board has concluded its questions, then  
6 I will ask the Applicant to question the witness,  
7 and then we'll have the designated representative  
8 of the groups.

9 I'll have Mr. Blanchard, as the  
10 representative of the group, then they will --  
11 that person -- he will question the Board's  
12 witness. After that's done, the Board might ask  
13 follow-up questions.

14 After the Board has presented its  
15 witness, then we'll have the Applicant present  
16 its case in chief. All right. So, Ms. Nelson,  
17 can you state your name for the record, please?

18 MS. NELSON: Good afternoon. I'm  
19 Investigator Mikea Nelson.

20 CHAIRPERSON ANDERSON: What I'm going  
21 to ask, ma'am, for you to do is to pull the  
22 microphone closer to you so we can hear you.  
23 Where are you currently employed?

24 MS. NELSON: At the Alcoholic Beverage  
25 Regulations Administration.

1 CHAIRPERSON ANDERSON: And how long  
2 have you been employed by the agency?

3 MS. NELSON: For approximately ten  
4 months.

5 CHAIRPERSON ANDERSON: And what is  
6 your role at the agency?

7 MS. NELSON: I conduct inspections and  
8 investigations of ABC licensed establishments  
9 within the District of Columbia.

10 CHAIRPERSON ANDERSON: Now, are you  
11 familiar with the nature of this protest?

12 MS. NELSON: Yes, sir, I am.

13 CHAIRPERSON ANDERSON: And how are you  
14 familiar with the nature of this protest?

15 MS. NELSON: I completed the protest  
16 investigation for the new license of Town 2.0.

17 CHAIRPERSON ANDERSON: And did there  
18 come a time that you wrote a report?

19 MS. NELSON: Yes, sir.

20 CHAIRPERSON ANDERSON: So can you tell  
21 us what it is you were able -- what were you able  
22 to ascertain as a result of your investigation?

23 MS. NELSON: I conducted the protest  
24 investigation of Town 2.0, LLC, trade name to be  
25 determined, which is located at 1001 North

1 Capitol Street, NE. The establishment is located  
2 toward the eastern end of K Street, NW and North  
3 Capitol Street.

4 And is bounded by 1st Street, NE and  
5 L Street, NE. The Applicant for 1001 North  
6 Capitol Street, NW -- NE, I apologize, was  
7 protested by three entities with the same  
8 representative, which is Mr. Lyle Blanchard,  
9 excuse me.

10 This includes a group of six,  
11 represented -- I'm sorry. A group of six from  
12 the John and Jill Ker Conway residents, located  
13 1005 North Capitol Street, also known as the  
14 abutting property.

15 North Capitol Commons, which is the  
16 owner of the abutting property, as well as  
17 Advisory Neighborhood Commission 6C.

18 The establishment is also being  
19 protested by Richard McKinnon, who represents a  
20 group of nine, who are residents of the District  
21 of Columbia, as well as members of Mt. Airy  
22 Baptist Church, located 1010 North Capitol  
23 Street, NW.

24 There are three establishments within  
25 1200 feet of 1001 North Capitol Street that hold

1 ABC licenses. The protest issues for all  
2 protestants involve the following, adverse impact  
3 on peace, order, and quiet, and include  
4 residential parking and vehicular safety --  
5 vehicular and pedestrian safety.

6 On November 18, 2019, I spoke with Mr.  
7 Richard McKinnon, the representative of the group  
8 of nine, who stated that the establishment would  
9 have a negative effect on the residents of the  
10 John and Jill Ker Conway residents that  
11 participate in the Alcoholics Anonymous program.

12 Additionally, the noise that will  
13 emanate from the establishment is a cause for  
14 concern as well as their effect on traffic  
15 between the hours of 12:00 p.m. and 7:00 p.m.

16 The group of nine also raised their  
17 concern for an establishment selling alcohol so  
18 close to Gonzaga High School, which is located  
19 across the street from the establishment.

20 The group of nine hopes for the  
21 establishment to not be granted an ABC license.  
22 On Friday, November 22nd, I spoke with Mr. Lyle  
23 Blanchard, who is representing the group of six  
24 of the abutting property and North Capitol  
25 Commons, as well as ANC6C.

1           Mr. Blanchard stated that the proposed  
2 large number of patrons and the proposed summer  
3 garden will have a negative effect on the  
4 residents, excessive noise, traffic, and  
5 pedestrian safety.

6           Additionally, Mr. Blanchard is  
7 concerned that the residents of the John and Jill  
8 Ker Conway residence will have issues having  
9 access to emergency medical services and will be  
10 affected by the traffic of the establishment.

11           In the event that the Board grants a  
12 license to Town 2.0, LLC, the group of six would  
13 like to see, no outdoor seating facing the North  
14 Capitol Street side of the establishment, they  
15 are to only be used as emergency exits, all lines  
16 are to be exclusively on K Street, the club's  
17 hours of operation are not to go past midnight on  
18 any given day, admission will be limited to  
19 patrons 21 and up, all trash and loading through  
20 K Street, NE, will be done through K Street, NE,  
21 triple-pane windows will be replaced on all of  
22 the existing glass on the Ker Conway building  
23 exterior, as well as dedicated Lyft and Uber  
24 pickups, limited to K Street, NE.

25           On Tuesday, November 18, I spoke with

1 Mr. Stephen O'Brien, representative of Town 2.0,  
2 LLC, and Mr. Guggenmos, the managing member, and  
3 Mr. Guggenmos stated that he anticipates opening  
4 a new rendition of his previously owned  
5 nightclub, Town, at 1001 North Capitol Street,  
6 NE.

7 He has been an ABRA licensee for  
8 approximately 20 years and has never had any  
9 issues with the ABC Board or the community.

10 Mr. Guggenmos has currently agreed to  
11 a lease for 15 years at 1001 North Capitol  
12 Street, NE, from Jemal's Sanctuary, LLC.

13 The nightclub anticipates opening and  
14 operating on the 1st floor, 2nd, and mezzanine  
15 levels, as well as a summer garden. Town 2.0,  
16 LLC anticipates staying open until approximately  
17 4:00 a.m. during the weekdays and 5:00 a.m.  
18 during weekends, so that they may have a soft  
19 opening and help with the patrons exiting the  
20 establishment.

21 Additionally, construction plans  
22 include having the establishment sound proofed by  
23 building a club in the already existing church.

24 The establishment will encourage  
25 rideshare programs through Lyft and Uber, with

1 pickups on the K Street side to minimize  
2 vehicular traffic concerns and to have two  
3 reimbursable detail officers present to help with  
4 crime and safety.

5 The establishment anticipates opening  
6 in November 2020; next year. During my  
7 investigation, the establishment at 1001 North  
8 capitol Street, NE, was monitored a total of  
9 eight times from November 8th to November 21st,  
10 with no ABRA violations found.

11 On the occasions that I monitored, I  
12 did not observe any issues with peace, order, and  
13 quiet, however, the block is extremely busy due  
14 to vehicular traffic.

15 There were no noise complaints  
16 reported to ABRA that was associated with this  
17 establishment or with this address from November  
18 2018 through November 2019.

19 There were ten calls for service from  
20 the Office of Unified Communications to 1001  
21 North Capitol Street between November 2018 and  
22 November 2019. These calls were not necessarily  
23 dedicated to the physical address of 1001 North  
24 Capitol Street, nor to the ABC-licensed  
25 establishment.



1                   CHAIRPERSON ANDERSON: Are there any  
2 other -- what other ABC establishment is close to  
3 this proposed --

4                   MS. NELSON: You have Club -- I'm  
5 sorry. Club Elevate, located on K Street, NE.

6                   CHAIRPERSON ANDERSON: How far is  
7 this?

8                   MS. NELSON: It is directly across the  
9 street from 1001 North Capitol Street, NE.

10                  CHAIRPERSON ANDERSON: Okay.

11                  MS. NELSON: You also have Streets  
12 Market and Gonzaga High School.

13                  CHAIRPERSON ANDERSON: Oh, they have  
14 an ABC license?

15                  MS. NELSON: They do.

16                  CHAIRPERSON ANDERSON: Oh. All right.  
17 I was told that they no longer were licensed  
18 since we -- Gonzaga, we cancelled the license. I  
19 guess they gave up the license. Okay. All  
20 right.

21                  Are there any exhibits attached to  
22 your report and can you please identify them?

23                  MS. NELSON: Yes, sir. If you will  
24 refer to Exhibit 1, that is a copy of the ANC 6C  
25 protest letter. Exhibit 2 is a copy of the group

1 of nine protest letter. Exhibit 3 is the group  
2 of six protest letter.

3 Exhibit 4, a copy of North Capitol  
4 Commons protest letter. Exhibit 5 is the  
5 District of Columbia Geographical Information  
6 Systems map, also known as the GIS map of  
7 licensed establishments within 1200 feet of the  
8 establishment.

9 Exhibit 6, the District of Columbia  
10 GIS map for schools within 400 feet. Exhibit 7  
11 is an exterior photo of 1001 North Capitol  
12 Street, NE. Exhibit 8 is also an exterior photo.

13 Exhibit 9 is an exterior photo.  
14 Exhibit 10, exterior photo. Exhibit 11 --

15 (Whereupon, the documents referred to  
16 were marked as Board Exhibits 1 through 10 for  
17 identification.)

18 CHAIRPERSON ANDERSON: Can I ask --  
19 let me ask you a question.

20 MS. NELSON: Yes, sir.

21 CHAIRPERSON ANDERSON: The address for  
22 -- on Exhibit 10 --

23 MS. NELSON: Yes, sir.

24 CHAIRPERSON ANDERSON: -- I see the  
25 address 1005, what's that?

1 MS. NELSON: That is the space that I  
2 witnessed between 1001 North Capitol Street and  
3 1005 North Capitol Street.

4 CHAIRPERSON ANDERSON: No, but what's  
5 1005? What building is that?

6 MS. NELSON: That is the John and Jill  
7 Ker Conway Residence.

8 CHAIRPERSON ANDERSON: Okay. So this  
9 is the abutting property?

10 MS. NELSON: Yes, sir.

11 CHAIRPERSON ANDERSON: Okay.

12 MS. NELSON: Exhibit 11, exterior  
13 photo. Exhibit 12, exterior photo. Exhibit 13,  
14 exterior photo of the rear of 1001 North Capitol  
15 Street. Exhibit 14 is an exterior photo.  
16 Exhibit 15, exterior photo.

17 Exhibit 15 -- Exhibit 16, excuse me,  
18 is an interior photo provided by the licensee.  
19 Exhibit 17 is also an interior photo. Exhibit  
20 18, interior photo. Exhibit 19 is an interior  
21 photo.

22 Exhibit 20, interior photo. Exhibit  
23 21, interior photo. 22, interior photo. 23,  
24 interior photo, and 24 are interior photos.  
25 Exhibit 25 is the location of close-by Metro bus

1 stops and their locations.

2 Exhibit 26 is also the location of a  
3 bus stop. Exhibit 27 is also the location of a  
4 bus stop. 28 is the same. 29 is the same. 30  
5 is a photo of street parking in the nearby area  
6 of the establishment.

7 31 is also a photo of street parking  
8 signs. 32 is a photo of metered parking in the  
9 area. 33 is a parking lot located across the  
10 street. 34 is also the same parking lot across  
11 the street. 35, the parking lot. 36 is also the  
12 parking lot, as well as 37 and 38.

13 39 is a photo of parking in the area.  
14 40, parking in the area. 41 is parking in the  
15 area. And 42 is a copy of the Office of Unified  
16 Communication calls for service to 1001 North  
17 Capitol Street, NE.

18 (Whereupon, the documents referred to  
19 were marked as Board Exhibits 11 through 42 for  
20 identification.)

21 CHAIRPERSON ANDERSON: So you're  
22 saying that because the building is not in use,  
23 that none of these calls were for this specific -  
24 -

25 MS. NELSON: Yes, sir.

1 CHAIRPERSON ANDERSON: -- location?

2 All right. You said that this location was  
3 monitored. When did you specifically monitor  
4 this area?

5 MS. NELSON: Give me one second. I  
6 monitored this establishment between Wednesday,  
7 November the 13th through Thursday, November 21,  
8 2019, so that would be November 13th, 14th, 15th,  
9 16th, 20th, and 21st.

10 CHAIRPERSON ANDERSON: And what time  
11 of day did you monitor the area?

12 MS. NELSON: I monitored the area  
13 between 11:00 a.m. to 1:30 a.m.

14 CHAIRPERSON ANDERSON: Until what  
15 time?

16 MS. NELSON: Until about 1:30 a.m.;  
17 1:15 a.m.

18 CHAIRPERSON ANDERSON: So tell me when  
19 you -- what page are of your report is that on?  
20 That's what I was looking for.

21 MEMBER SHORT: Eight.

22 CHAIRPERSON ANDERSON: On Page 8?

23 MS. NELSON: Yes, sir.

24 CHAIRPERSON ANDERSON: Okay. So what  
25 times, again, did you say you -- I'm sorry, when,

1 again, did you monitor the place; the location?

2 MS. NELSON: I monitored --

3 CHAIRPERSON ANDERSON: Yes.

4 MS. NELSON: -- between November 13th  
5 and November 21st, at various times between 11:00  
6 a.m. to 1:15 a.m.

7 CHAIRPERSON ANDERSON: So tell us, you  
8 were there on 11/15, so can you describe, what  
9 did you see when you monitored the location on  
10 11/15/2019?

11 MS. NELSON: Yes, sir. The area was  
12 quiet. Parking was limited, however, there was  
13 not much foot traffic or vehicular traffic in the  
14 area during those times.

15 CHAIRPERSON ANDERSON: But do you know  
16 if Elevate was in operation that night?

17 MS. NELSON: Yes, sir.

18 CHAIRPERSON ANDERSON: What type of  
19 establishment is Elevate? If you know.

20 MS. NELSON: I am aware that it is a  
21 nightclub, but not much more.

22 CHAIRPERSON ANDERSON: But this is a  
23 Friday night. You were there Friday night from  
24 11:15 to -- Friday night, from 12:45 to 1:15, and  
25 you didn't see any obvious traffic from Elevate

1 that night?

2 MS. NELSON: It seemed quiet. I'm  
3 unsure if the establishment was even open that  
4 night.

5 CHAIRPERSON ANDERSON: Oh, you don't  
6 know.

7 MS. NELSON: It was very quiet.

8 CHAIRPERSON ANDERSON: What about --  
9 I'm sorry, did you also observe it 11/16 or was  
10 that another person? November 16th.

11 MS. NELSON: Yes, sir.

12 CHAIRPERSON ANDERSON: And what was  
13 from 10:00 p.m. until 11:40, so what was that  
14 like when you observed that night?

15 MS. NELSON: The establishment was  
16 quiet. Most of the traffic came from North  
17 Capitol, but it was not very heavy at all.

18 CHAIRPERSON ANDERSON: Do you recall  
19 if there were pedestrians on the road or -- and  
20 you don't whether or not Elevate was open that  
21 night?

22 MS. NELSON: No.

23 CHAIRPERSON ANDERSON: All right.

24 MS. NELSON: But the area is mostly  
25 quiet.

1 CHAIRPERSON ANDERSON: Okay. All  
2 right. Does any other Board Member have any  
3 questions? Yes, Mr. Short.

4 MEMBER SHORT: Good afternoon.

5 MS. NELSON: Good afternoon.

6 MEMBER SHORT: Investigator Nelson, I  
7 want you to go to your Exhibit Number 31.

8 MS. NELSON: Yes, sir.

9 MEMBER SHORT: Okay. Now, that  
10 appeared to be taken on K Street, is it?

11 MS. NELSON: Yes, it is.

12 MEMBER SHORT: The north side. The  
13 church is on the north side of K Street.

14 MS. NELSON: Yes, sir.

15 MEMBER SHORT: All right. And then  
16 right past the traffic light, that's North  
17 Capitol Street, which would be the front?

18 MS. NELSON: Yes.

19 MEMBER SHORT: Now, right there where  
20 the tractor, or construction vehicle is in the  
21 yard, the orange, is that where the -- their  
22 proposing to have a sidewalk café?

23 MS. NELSON: I believe so, sir. Yes.

24 MEMBER SHORT: Excuse me?

25 MS. NELSON: Yes, sir.



1                   MEMBER SHORT: Okay. And so they want  
2 to have it on the front and the side? Is that  
3 what the application for sidewalk café is the  
4 front and side?

5                   MS. NELSON: I am not sure, sir. I  
6 believe it's just on the side of K Street.

7                   MEMBER SHORT: Okay. All right.  
8 Okay. And also in the area, how close is Gonzaga  
9 High School, looking at Exhibit 31, where's  
10 Gonzaga High School?

11                   MS. NELSON: Gonzaga High School is  
12 located to the left on the North Capitol Street -  
13 - on the northwest side of North Capitol Street -  
14 -

15                   MEMBER SHORT: So it would be on the  
16 south side --

17                   MS. NELSON: -- Capitol and K.

18                   MEMBER SHORT: -- south of this  
19 building.

20                   MS. NELSON: Yes, sir. Southwest.

21                   MEMBER SHORT: Are you familiar with  
22 the -- with Gonzaga?

23                   MS. NELSON: Yes.

24                   MEMBER SHORT: What is the school  
25 hours normally for Gonzaga?

1 MS. NELSON: I'm not sure of the exact  
2 school hours. I am aware that it is an all-male  
3 high school.

4 MEMBER SHORT: Okay. So this would --  
5 when you went there during the day, did you  
6 observe any students?

7 MS. NELSON: No, I did not.

8 MEMBER SHORT: Okay. So pretty much,  
9 it's very quiet now?

10 MS. NELSON: Yes. During the day,  
11 there's mostly traffic on North Capitol Street,  
12 however, the area is pretty quiet as far as  
13 noise. Mostly comes from traffic.

14 MEMBER SHORT: North Capitol is a very  
15 busy street.

16 MS. NELSON: Yes.

17 MEMBER SHORT: Main thoroughfare.

18 MS. NELSON: I'm sorry?

19 MEMBER SHORT: A main thoroughfare,  
20 North Capitol Street.

21 MS. NELSON: Yes, during the day it is  
22 a lot busier than at night.

23 MEMBER SHORT: Okay. Thank you very  
24 much for your testimony and thank you for your  
25 report.

1 MS. NELSON: Thank you.

2 MEMBER SHORT: That's all I have, Mr.  
3 Chair.

4 CHAIRPERSON ANDERSON: Any other  
5 questions from any other Board Members? All  
6 right. Hearing none, Mr. O'Brien?

7 MR. O'BRIEN: Thank you. Investigator  
8 Nelson, could I ask you to go to Page 8 of your  
9 report, please?

10 MS. NELSON: Yes, sir.

11 MR. O'BRIEN: I understood your  
12 testimony to be that you personally first  
13 monitored the area on November 13th.

14 MS. NELSON: Yes, sir.

15 MR. O'BRIEN: But I do see there are  
16 two previous entries above that on -- in the  
17 chart on Page 8. You did not personally monitor  
18 on those days?

19 MS. NELSON: No, sir, I did not.

20 MR. O'BRIEN: Who did?

21 MS. NELSON: ABRA Investigator.

22 MR. O'BRIEN: Okay. And did you see  
23 any indication on those days, which included  
24 Friday, the 8th of November, and Sunday the 11th,  
25 did you receive any indication from your

1 colleagues who monitored at that time that they  
2 perceived any peace, order, and quiet issues?

3 MS. NELSON: No, sir. During those  
4 times my colleagues advised me that they received  
5 no ABRA violations.

6 MR. O'BRIEN: Okay. Well, we know  
7 that there's no business there now, so it'd be  
8 hard to have an ABRA violation.

9 MS. NELSON: Right.

10 MR. O'BRIEN: I'm talking about peace,  
11 order, and quiet issues.

12 MS. NELSON: No, sir.

13 MR. O'BRIEN: Did they report to you  
14 any peace, order, and quiet issues?

15 MS. NELSON: No, they did not.

16 MR. O'BRIEN: Okay. Can I invite your  
17 attention to your Exhibit 10, please.

18 MS. NELSON: Yes, sir.

19 MR. O'BRIEN: In response to a  
20 question -- the Chair posed you a question that  
21 the two properties, that is 1001 and 1005, are  
22 abutting, was the word the Chair used.

23 MS. NELSON: Yes, sir.

24 MR. O'BRIEN: And you agreed with  
25 that. You said, yes, they're abutting. You did

1 not mean to suggest that the two buildings touch  
2 each other, did you?

3 MS. NELSON: What I found was that the  
4 two buildings touch each other in the rear end of  
5 the building at the foundation.

6 MR. O'BRIEN: Okay. But as depicted  
7 on Exhibit 10, there is space between the two  
8 buildings.

9 MS. NELSON: Yes, sir.

10 MR. O'BRIEN: We can discuss how much,  
11 but there is space, correct?

12 MS. NELSON: Yes, sir.

13 MR. O'BRIEN: Okay. During your  
14 observations on the occasions you visited, or to  
15 your knowledge, on the other occasions where your  
16 colleagues visited, was there any issues or  
17 problems with traffic or pedestrian -- traffic  
18 issues or pedestrian issues?

19 MS. NELSON: During the day, traffic  
20 is a bit heavier than it is at night.

21 MR. O'BRIEN: Yes.

22 MS. NELSON: North Capitol is a high-  
23 traffic area.

24 MR. O'BRIEN: Okay. But as to  
25 pedestrian safety, did you perceive any

1 particular issues?

2 MS. NELSON: No, sir.

3 MR. O'BRIEN: Okay. And as to  
4 vehicular safety, did you perceive any particular  
5 issues?

6 MS. NELSON: Not that I can say.

7 MR. O'BRIEN: Okay. You did note that  
8 the intersection of North Capitol and K is  
9 controlled by a traffic light, did you not?

10 MS. NELSON: Yes, sir, it is.

11 MR. O'BRIEN: And you did note that  
12 there are large zebra-striped crosswalks at all  
13 corners of the intersection, did you not?

14 MS. NELSON: I do not recall how the  
15 crosswalks look. I can't recall that. I'm  
16 sorry.

17 MR. O'BRIEN: Okay. There's a binder  
18 in front of you.

19 MS. NELSON: Yes, sir.

20 MR. O'BRIEN: Could you open that,  
21 please, to Exhibit 4E. Mr. Chair, binders have  
22 been provided to the protestants and we passed up  
23 copies for each of the Board Members in order to  
24 follow along. Exhibit 4E?

25 (Whereupon, the document referred to

1 was marked as Applicant Exhibit 4E for  
2 identification.)

3 CHAIRPERSON ANDERSON: Okay.

4 MR. O'BRIEN: Have you found that?

5 MS. NELSON: Yes, sir.

6 MR. O'BRIEN: Looking at that  
7 photograph, does that refresh your recollection  
8 as to the type of crosswalks that are present at  
9 the intersection?

10 MS. NELSON: I'm sorry. I don't think  
11 I have the right one. Yes, sir.

12 MR. O'BRIEN: And I'm sorry, when I  
13 used -- when I said, zebra-striped, I misspoke, I  
14 meant to say just striped.

15 MS. NELSON: Yes.

16 MR. O'BRIEN: Okay. So would you now  
17 agree that, in fact, the crosswalks are well  
18 marked there?

19 MS. NELSON: Yes, sir, they are.

20 MR. O'BRIEN: Okay. With respect to  
21 parking, did you talk to the operators of either  
22 of the lots you identified, one directly across  
23 North Capitol and one on the other side of K  
24 Street in the unit block, did you talk to any of  
25 those operators?

1 MS. NELSON: Yes, sir, I did.

2 MR. O'BRIEN: And what were you told  
3 about the availability of parking?

4 MS. NELSON: The lot located on North  
5 Capitol Street, NW, I was unable to speak with  
6 the owners, however, the hours are currently  
7 between 6:00 a.m. and 7:30 p.m. during the week,  
8 at a rate of \$9 per hour, \$9 per day, excuse me.

9 The parking lot located behind Club  
10 Elevate on K Street, NE, had advised me that he  
11 stays open during the week for people that work  
12 in the area at a rate of \$9 per day, on the  
13 weekends, for special events, as well as when  
14 Club Elevate is open, and he would be willing to  
15 stay open during the club hours and assist with  
16 150 parking spaces.

17 MR. O'BRIEN: By club hours, you mean  
18 --

19 MS. NELSON: During the hours --

20 MR. O'BRIEN: -- the club we're  
21 talking about here now.

22 MS. NELSON: Yes, sir.

23 MR. O'BRIEN: That he would be willing  
24 to stay open to accommodate --

25 MS. NELSON: Yes.



1 MR. O'BRIEN: -- heavy parking needs.

2 MS. NELSON: Yes, sir.

3 MR. O'BRIEN: Okay. Those are my  
4 questions. Thank you, Mr. Chair.

5 CHAIRPERSON ANDERSON: Mr. Blanchard?

6 MR. BLANCHARD: Good afternoon.

7 MS. NELSON: Good afternoon.

8 MR. BLANCHARD: Let's see, Inspector  
9 Nelson, are you aware of -- did you look at the  
10 Club Elevate license at all?

11 MS. NELSON: No, sir, I did not.

12 MR. BLANCHARD: So you're not aware of  
13 what hours they operate or what days they  
14 operate?

15 MS. NELSON: No.

16 MR. BLANCHARD: You didn't look at the  
17 Google Web site --

18 CHAIRPERSON ANDERSON: Mr. Blanchard,  
19 remember --

20 MR. BLANCHARD: The microphone --

21 CHAIRPERSON ANDERSON: No, remember,  
22 you're not having a personal conversation with  
23 her. You're asking her questions, so we need to  
24 hear also.

25 MR. BLANCHARD: Sorry.

1                   MEMBER SHORT: The microphone is in  
2 the middle of the table. You can pull it a  
3 little closer.

4                   MR. BLANCHARD: I'll try and move  
5 closer to it. All right. So I asked if you are  
6 familiar with Club Elevate's license.

7                   MS. NELSON: No, sir, I am not.

8                   MR. BLANCHARD: All right. And  
9 because of that, are you aware of the hours they  
10 operate?

11                   MS. NELSON: No, I am not.

12                   MR. BLANCHARD: Okay. Or of the days  
13 they operate?

14                   MS. NELSON: No, sir.

15                   MR. BLANCHARD: Okay. Mr. O'Brien  
16 directed you to look at his Exhibit 4E.

17                   MS. NELSON: Yes.

18                   MR. BLANCHARD: And the crosswalks  
19 there. Are you aware of any pedestrian-activated  
20 signal buttons that would change the lights for a  
21 pedestrian waiting to cross?

22                   MS. NELSON: Not that I recall.

23                   MR. BLANCHARD: Okay. Thank you.

24                   MS. NELSON: Thank you.

25                   MR. BLANCHARD: Those are the end of

1 my questions.

2 CHAIRPERSON ANDERSON: All right.  
3 Thank you. Any follow-up questions by the Board  
4 Members? Thank you very much for your testimony,  
5 Ms. Nelson, you can step down now.

6 MS. NELSON: Thank you.

7 MR. BLANCHARD: Oh, I'm sorry.

8 CHAIRPERSON ANDERSON: You lost your  
9 chance, Mr. Blanchard. I'm sorry.

10 MR. BLANCHARD: All right. Okay.

11 CHAIRPERSON ANDERSON: Mr. O'Brien,  
12 your first witness.

13 MR. O'BRIEN: John Guggenmos.

14 CHAIRPERSON ANDERSON: Someone needs  
15 to -- oh, the owner. You're putting the big guns  
16 on first? I thought you, you know, put the --

17 MR. GUGGENMOS: I'm the rambler.

18 CHAIRPERSON ANDERSON: I'm sorry?

19 MR. GUGGENMOS: I'm the rambler, sir.

20 CHAIRPERSON ANDERSON: Oh, can you  
21 raise your right hand, please?

22 MR. GUGGENMOS: Oh, sure.

23 WHEREUPON,

24 JOHN GUGGENMOS

25 was called as a witness by Counsel for the

1 Applicant and, having been first duly sworn,  
2 assumed the witness stand, was examined and  
3 testified as follows:

4 CHAIRPERSON ANDERSON: All right.  
5 Your witness, sir.

6 MR. O'BRIEN: Thank you, sir. State  
7 your full name, please.

8 THE WITNESS: I'm John Lynn Guggenmos.

9 MR. O'BRIEN: And spell your last name  
10 for the reporter, please.

11 THE WITNESS: G-U-G-G-E-N-M-O-S.

12 MR. O'BRIEN: And, Mr. Guggenmos, what  
13 is your relationship to Town 2.0, the license  
14 applicant?

15 THE WITNESS: The managing member.

16 MR. O'BRIEN: All right. What is your  
17 experience in the nightclub business in the  
18 District of Columbia?

19 THE WITNESS: I started back in  
20 Halloween night of 1990, and first place we had  
21 was Tracks, and that was down on 1st and M  
22 Street, SE. There was Trumpets, which was a  
23 restaurant and a bar on 17th Street and Q.

24 Then La Fonda, Cobalt, and Soul, also  
25 on R and 17th. We had a nightclub, Ozone, on

1 Connecticut and N. Then we opened up Halo on P  
2 Street, over in Logan Circle. Then Town  
3 Nightclub at 2009 8th Street.

4 Currently, we have Number Nine, which  
5 is at 1435 P Street. It is back in the Halo  
6 spot, and Trade, which is also on 14th Street,  
7 1410 14th Street. Both of the current licenses  
8 are taverns.

9 MR. O'BRIEN: All right. And how many  
10 years total, then, have you been in the business  
11 here?

12 THE WITNESS: Twenty-nine.

13 MR. O'BRIEN: All right. Do you hold  
14 any public office?

15 THE WITNESS: Yes. I am serving my  
16 second turn as Commissioner, the Vice Chair of  
17 2F, and I will be running again.

18 MR. O'BRIEN: ANC 2F?

19 THE WITNESS: Yes. I'm sorry. ANC  
20 2F.

21 MR. O'BRIEN: All right. In that  
22 role, do you have occasion to be concerned from  
23 time to time regarding disruption of residential  
24 tranquility from operation of liquor  
25 establishments?

1                   THE WITNESS: Absolutely. I mean, I'm  
2 very aware of how a business world and the  
3 residential world can exist together. In fact,  
4 I'm the ANC Commissioner for the Whole Foods  
5 protest that is delayed until then, so very aware  
6 of the negotiations and the concerns of the  
7 citizens; the residents. Excuse me.

8                   MR. O'BRIEN: Mr. Guggenmos, you  
9 mentioned Number Nine, is that a trade name;  
10 Number Nine?

11                   THE WITNESS: Yes. That's our trade  
12 name.

13                   MR. O'BRIEN: Okay. And where is that  
14 located again?

15                   THE WITNESS: It is at 1435 P Street,  
16 NW, directly across from Whole Foods.

17                   MR. O'BRIEN: All right. I'd ask you  
18 to turn in the binder that's in front of you to  
19 Exhibit 11, please. And for this to make sense,  
20 you're going to have to turn the binder to face -  
21 - the opening to face you. Okay?

22                   Can you tell me what Exhibit 11  
23 depicts?

24                   (Whereupon, the document referred to  
25 was marked as Applicant's Exhibit 11 for

1 identification.)

2 THE WITNESS: Sure. From the left,  
3 going to the right, is the Desoto Apartment  
4 Complex. I think there's 65 units. Then Number  
5 Nine, which is where we are in the brown  
6 building, then you've got Stoney's, and then you  
7 have another apartment complex that is on the  
8 other side, but we abut directly with the Desoto.

9 MR. O'BRIEN: All right. How long has  
10 Number Nine operated?

11 THE WITNESS: Number Nine has been  
12 eight years, but originally, that was also the  
13 site of Halo when I was the managing member, so  
14 that has been in business now for 19 years.

15 MR. O'BRIEN: Okay. Have you had  
16 complaints from the -- either of the two  
17 apartment buildings that you've identified --

18 THE WITNESS: No.

19 MR. O'BRIEN: -- over the years  
20 regarding the operation of Number Nine, in  
21 particular, regarding noise of vibrations?

22 THE WITNESS: No. And one of the  
23 things the picture depicts is that there are four  
24 skylights, and those skylights just have a  
25 plastic bubble cover. So when you do look at

1 noise in the abutting property, that's all of the  
2 sound attenuation that you would have at that  
3 space, and it's a loud tavern, especially at  
4 night, and we have no issues operating.

5 MR. O'BRIEN: No issues?

6 THE WITNESS: No operational issues,  
7 no noise issues, no noise complaints. We have  
8 enjoyed a good relationship with the  
9 neighborhood.

10 MR. O'BRIEN: All right. Give the  
11 Board, if you would, a brief history of Town on  
12 8th Street, NW. We'll call it Town 1.0 for  
13 purposes of avoiding confusion.

14 THE WITNESS: We opened right after  
15 the financial crisis, so you're looking in, you  
16 know, 2008, and, you know, we served the gay  
17 community. It was primarily on Friday and  
18 Saturday night there, you know, or a number of --  
19 well, there were drag shows, it was a dance  
20 party, two floors.

21 Our capacity with the outdoor area is  
22 943, roughly, in that area. We did have a summer  
23 garden that we acquired halfway through the --  
24 our operation, and the beautiful part about  
25 having that summer garden there was, it allowed



1 us to put the smokers outside and over in the  
2 corner.

3 And it also just allowed -- you know,  
4 another feature for the club, but we first opened  
5 with different hours, but the ANC did allow us to  
6 match the club hours, which was 5:00 a.m., and  
7 that just -- it's part of the whole best  
8 practices that we have developed, is if you, you  
9 know, control smokers, keep them off the street,  
10 allow for that soft opening -- soft closing, that  
11 it just, it's a better experience for the  
12 neighborhood. You can just control it better.

13 MR. O'BRIEN: Explain soft closing.

14 THE WITNESS: We would stop letting  
15 people in at 3:00, and of course, all alcohol  
16 service, you know, at 2:45, you're going and  
17 picking up the glasses, and the majority of  
18 people tended to leave between 2:30 and 3:00.

19 But someone can get their coat, they  
20 can gather their friends up, they can, you know,  
21 Snapchat, or whatever they're doing, but trickle  
22 out.

23 And so at 3 o'clock, we don't have a  
24 hard closing, where we're pushing 900 people out  
25 onto the street, everyone trying to compete for

1 an Uber, or, you know, whatever it is, but that  
2 allows people just to leave gradually.

3 MR. O'BRIEN: What was the capacity of  
4 the original Town?

5 THE WITNESS: With the summer garden  
6 and the interior, I think 943, and my math, it's  
7 very, very close to that.

8 MR. O'BRIEN: All right. And did you  
9 have any complaints regarding noise, or  
10 vibrations, or any other problems arising from  
11 Town?

12 THE WITNESS: No. We worked with our  
13 -- sound engineers on that one was Polysonics,  
14 and then Brian, from environment, and, you know,  
15 you could stand on the corner when the lounge --  
16 when the outdoor area, the summer garden was, you  
17 know, nice summer night and people were out  
18 there, and you just could not hear it when you  
19 were on the corner.

20 It just was not an issue.

21 MR. O'BRIEN: Okay. In all of your  
22 clubs, I'm talking now about Town before it  
23 shutdown, and the existing Number Nine, and the  
24 existing Trade, do you allow the facilities to be  
25 used from time to time for purposes other than

1 operation of your nightclub?

2 THE WITNESS: Absolutely.

3 MR. O'BRIEN: Could you give some  
4 examples of that, please?

5 THE WITNESS: At Town, we allotted it  
6 for a rehearsal space for Derek Young, was a  
7 dance group, they didn't go very far in America's  
8 Got Talent, Batala, which is an all-female Afro-  
9 Brazilian percussion group, Spoken Word, which is  
10 a -- they would come in and perform, basically,  
11 poetry as an art form, but then you get into all  
12 of the fundraisers for the Latino Project, the  
13 Gertrude Stein Club, the, you know, Chamber of  
14 Commerce, the D.C. Chamber of Commerce, the  
15 GLAAD, Servicemembers Legal Defense Fund, one-n-  
16 ten, the Black gay pride, I mean, I could go on.

17 MR. O'BRIEN: I think that's enough  
18 for our purposes here. When did Town close?

19 THE WITNESS: We closed July 2000 --  
20 oh, my gosh, '17, '18, please, why am I blanking?  
21 Two years, so 2017. I'm sorry.

22 MR. O'BRIEN: And why did it close?

23 THE WITNESS: We were victim of our --  
24 of the lucrative property market that, you know,  
25 gentrification is great until it happens to you,

1 but we really helped to develop the space. One  
2 of the factors.

3 JBG really created that neighborhood,  
4 but it was originally sold and they're building  
5 another 295 apartments on the space.

6 So we fueled the gentrification and  
7 then we lost our space.

8 MR. O'BRIEN: All right. Were you  
9 happy to close Town?

10 THE WITNESS: Oh, my words, no.

11 MR. O'BRIEN: All right. And what did  
12 you do in the intervening two years to attempt to  
13 find a location to reopen Town?

14 THE WITNESS: We were told right --  
15 Christmas present, 2016, that JBG had attempted  
16 to purchase it, but that, finally, Jefferson  
17 Apartment Group had purchased the land, and that  
18 they gave us our kick-out date.

19 So we began looking, in earnest, in  
20 the spring. The hope was that when that place --

21 MR. O'BRIEN: Spring of 2017?

22 THE WITNESS: Yes, sir.

23 MR. O'BRIEN: Go ahead.

24 THE WITNESS: We actually got down the  
25 road a little bit with Suman Sorg, who owns 918 U

1 Street, she was also the architect for the John  
2 and Jill Ker Conway home, but it just didn't  
3 workout. The hope was that, you know, we could  
4 move all of the equipment, all of the bar  
5 equipment, right into that space, but instead, we  
6 had to end up disposing it.

7 MR. O'BRIEN: Over the intervening two  
8 years, how many locations do you think you might  
9 have looked at?

10 THE WITNESS: Oh, my, 40. I mean,  
11 we've had developers that wanted to work with us,  
12 Adams Investment, Four Points, it was quite a  
13 few.

14 MR. O'BRIEN: All right. And why did  
15 you settle on 1001 North Capitol Street?

16 THE WITNESS: That could be a very  
17 long answer, you know, and that's -- part of it  
18 is that, there's not one element that is really  
19 important to a nightclub's success, it's all of  
20 the elements that work together, that have to  
21 work together, seamlessly.

22 Over the 30 years, you know, we've  
23 learned a lot, but when you look at the space,  
24 you have to be able to flow in and out. You  
25 know, if there's a narrow hallway, can you fix

1 it? Can you get people in fast, how can you get  
2 them out, is the space inviting, is it  
3 intriguing?

4 Also, what's the safety of your  
5 patrons? Will they come to that space? What's  
6 the impact on the neighborhood? And while all of  
7 them are important, and of course, the space has  
8 got to be dramatic. You have to have a reason.

9 I mean, we've approached the nightclub  
10 business as an entertainment business that  
11 happens to sell alcohol, not maybe -- it's been a  
12 successful model for us, because entertainment's  
13 never going to go out of style.

14 But, you know, all of those items may  
15 not be -- there may be a deficiency in one of  
16 them, two of them, so it's how can you look at it  
17 and go, we could control the noise.

18 And that was clearly an issue that we  
19 thought of and we feel confident over the years  
20 that with, you know, our engineers, with our  
21 architect, that we absolutely could do that.

22 Could we focus the line toward K  
23 Street where you have a U-Haul, an office  
24 building, currently there is a vacant lot that I  
25 understand, across North Capitol, will be built

1 on, but then, you know, we do have residents  
2 right close to us.

3 So can we funnel the line away? Is  
4 there a possibility for outdoor space? Because  
5 again, that's key in the strategy of a soft  
6 closing, having an area that you can put smokers  
7 on so that you -- I mean, it gives people the  
8 chance to go out and talk on their phone.

9 If you don't have that quiet space,  
10 people end up on the sidewalk, so it just is part  
11 of that overall best practice strategy, and the  
12 space had all of it. It was a great found space.

13 MR. O'BRIEN: Okay. Mr. Guggenmos,  
14 what shape -- when did it stop being a church?  
15 If you know.

16 THE WITNESS: I think Jemal's bought  
17 it three and a half years ago, but when did it  
18 officially stop operating, I don't know.

19 MR. O'BRIEN: Okay. What shape is the  
20 church -- is the building in now?

21 THE WITNESS: Needs a lot of work.

22 MR. O'BRIEN: Okay. I'd invite your  
23 attention to Exhibits, in the binder in front of  
24 you, A1 through 4 -- through 5D. Without  
25 necessarily dwelling on each one of those

1 exhibits, could you tell the Board what is  
2 depicted?

3 (Whereupon, the documents referred to  
4 were marked as Applicant's Exhibits 1 through 5D  
5 for identification.)

6 THE WITNESS: Sure. So starting with  
7 A1, that's the back corner, so it's from the  
8 rooftop terrace of the John and Jill Ker Conway  
9 home, looking on to the property, and you can  
10 see, just where the drainage has collapsed.

11 If you look on the next picture, which  
12 is A2, it's, you know, one of the ventilation  
13 stacks, and you can see they were pointing, and  
14 the brick really in horrible condition.

15 A3, that would be the 2nd floor, or  
16 the sanctuary, looking out and that's the -- I  
17 mean, that's the dramatic space.

18 I'm sorry. Trying to turn.

19 MR. O'BRIEN: Go to 4, please.

20 THE WITNESS: Yes. A4, those are  
21 pictures of the downstairs area, just showing  
22 the, I guess, ceiling height, the supporting old  
23 column.

24 When you get to A4E, it's a picture of  
25 the building shot across the street, and one of



1 the things that, of course, we took into  
2 consideration, and we were fortunate, Brian used  
3 to work for Suman Sorg, but also, the plans are  
4 available for the building online.

5 When you look at the steel and rebar  
6 construction, and also, the solid cinder block  
7 wall up, and it goes to, if it's a six -- I mean,  
8 it's a 14-story building, so 14, 13, and 12 are  
9 set back, but the rest of them have that same  
10 solid construction, which helped -- you know, as  
11 we looked at it, it just creates that natural  
12 barrier.

13 Another advantage that we would have  
14 from even controlling people -- the sound from  
15 people coming, or going, or congregating outside.

16 MR. O'BRIEN: Okay. Pictures of 5A  
17 through 5D, what do they depict in total?

18 THE WITNESS: 5A, I mean, those are  
19 pictures from the interior of the, what looks  
20 like, rowhome that's attached. It just shows,  
21 again, the horrible condition. The floor's  
22 actually rotting through in a couple of the  
23 places.

24 There's a lot of structural work that  
25 needs to be done to that back building. Do you

1 want me to go to A1 or stop?

2 MR. O'BRIEN: I think you can stop at  
3 this point.

4 THE WITNESS: Okay.

5 MR. O'BRIEN: What do you estimate  
6 it's going to take, in the way of dollars, to put  
7 this building into a condition where it could be  
8 occupied for this purpose, keeping in mind the  
9 importance of preventing escape of sound into the  
10 next property at 1005?

11 THE WITNESS: It's something we've  
12 been very concerned about and talked with Jemal's  
13 from the very beginning. And the landlord work,  
14 they're going to do all the repointing, the new  
15 roof membrane, roof work, any of that structural  
16 work.

17 So if there are bowing walls, things  
18 that need to be rebuilt on the exterior, they're  
19 going to do that. Any of the repointing would  
20 seal up any of the cracks around the window.

21 And then on the interior, because this  
22 is a historically protected building, so on the  
23 inside, we can go ahead and fill some of the --  
24 provide more insulation, but Matthew, and floor  
25 supports, he estimates that his --

1 MR. O'BRIEN: Who is Matthew?

2 THE WITNESS: Matthew Jemal. The  
3 landlord. They're estimating the work at well  
4 over \$1 million.

5 MR. O'BRIEN: You say, their work.

6 THE WITNESS: The landlord's work.  
7 What they're going to do to deliver the space to  
8 us. There's --

9 MR. O'BRIEN: All right. I invite  
10 your attention to Exhibit A12, please.

11 (Whereupon, the document referred to  
12 was marked as Applicant's Exhibit 12 for  
13 identification.)

14 THE WITNESS: Yes.

15 MR. O'BRIEN: Can you tell the Board  
16 what A12 is?

17 THE WITNESS: That's the exhibit from  
18 our lease.

19 MR. O'BRIEN: Okay. It's an exhibit  
20 from your lease, and what is it?

21 THE WITNESS: It describes the  
22 landlord's work to replace the roof and the  
23 membrane of the premises, repoint the brick to  
24 the building, repair, replace any of the  
25 cornices, the chimney, they will assume to make

1       sure all load-bearing walls, exterior walls,  
2       foundation, and roof are -- they're structurally  
3       sound.

4               MR. O'BRIEN:   Okay.  And if I  
5       understood you correctly, you and the landlord  
6       estimate the landlord's work alone as somewhat  
7       over \$1 million?

8               THE WITNESS:   Absolutely.

9               MR. O'BRIEN:   Okay.  Now, in addition,  
10       you're going to renovate the interior.

11              THE WITNESS:   Yes.

12              MR. O'BRIEN:   Okay.  And that will  
13       include certain soundproofing measures.  And how  
14       much additional do you expect to pay out of --  
15       cost out of your pocket to accomplish this?

16              THE WITNESS:   The landlord has also  
17       given us a T&I balance of \$275,000, and, you  
18       know, that's -- you're looking at the HVAC, the  
19       heavy up, I mean, when we looked at that number,  
20       that took care of all the structural elements,  
21       but we're estimating anywhere between \$850,000,  
22       closer to, probably \$1 million, and especially  
23       with the soundproofing, you know, \$250,000.

24              We've approached this from the point  
25       that I want to make sure that there is no issue.

1 I've always operated with the neighborhoods, but  
2 just being very aware that that is the biggest  
3 concern.

4 MR. O'BRIEN: All right. Could you  
5 step down and approach the easel here?

6 THE WITNESS: Sure.

7 MR. O'BRIEN: This, Mr. Chair, is a  
8 large blowup of Exhibit A7 in your binder. Could  
9 you tell the Board what that exhibit depicts,  
10 please?

11 (Whereupon, the document referred to  
12 was marked as Applicant's Exhibit A7 for  
13 identification.)

14 THE WITNESS: It's the proposed layout  
15 for the 1st floor, and so right in here, having  
16 the line come up the entrance and ADA ramp, but  
17 taking people into the interior, your box office,  
18 also, planning a bar against the wall that is  
19 closest to the Ker Conway home, which is also  
20 just another form of sound attenuation, and  
21 stage, the mechanicals, also, our storage, and  
22 overnight trash.

23 All of our trash will be removed to  
24 this area, stored for the overnight, and then the  
25 trash is lined up and currently does have a gate,

1 it's in-between the U-Haul lot and our lot, big  
2 stairs going upstairs, and also, an exit on to  
3 the proposed summer garden space, which is  
4 contained on K Street.

5 So it maps the same building, our  
6 smoking area.

7 MR. O'BRIEN: Okay. In answer to  
8 Chief Short's question of the investigator, is  
9 there any outdoor seating on the North Capitol  
10 Street side of the building?

11 THE WITNESS: None.

12 MR. O'BRIEN: All right. I'm going to  
13 show you what is marked as Exhibit A8. Tell us  
14 what that represents.

15 (Whereupon, the document referred to  
16 was marked as Applicant's Exhibit 8 for  
17 identification.)

18 THE WITNESS: That's the proposed  
19 layout for the 2nd floor. And again, I think the  
20 thing to really note is that we placed the bar  
21 service, again, right next to the wall, again, as  
22 that barrier, but also just another distance for  
23 the sound.

24 DJ storage, mechanicals, you know,  
25 staff restroom, pretty standard, but making sure

1 -- the thing that -- I mean, this is one of the  
2 invisible things, and I promise I won't ramble,  
3 but so many places do not pay attention to how  
4 the whole bar functions.

5 Can you actually service your bars  
6 without going through the crowd? It's really  
7 important to how it all functions, and this  
8 functions.

9 MR. O'BRIEN: Okay. Exhibit Number  
10 A9.

11 (Whereupon, the document referred to  
12 was marked as Applicant's Exhibit 9 for  
13 identification.)

14 THE WITNESS: That is the proposed  
15 layout for the lower level; the basement. The  
16 underground area. Currently we do have a staff  
17 room down there, but we're not proposing to use  
18 that, storage, office, again, the mechanicals,  
19 any of our beer coolers or draft wine would go  
20 downstairs.

21 MR. O'BRIEN: Then A6, please. What  
22 is A6?

23 (Whereupon, the document referred to  
24 was marked as Applicant's Exhibit 6 for  
25 identification.)

1                   THE WITNESS: That's a cross-section  
2 of the building and you're starting to get into  
3 some of the details of what we're proposing for  
4 the sound attenuation. And, you know, the thing  
5 that I've said to both Bill, who's our architect,  
6 and Marty, is that, I wanted to have them build  
7 systems that they had no restriction.

8                   I was not going to say, oh, value  
9 engineer this, I wanted to be sure. Over-proof  
10 it. So instead of trying to deal with any of  
11 the, you know, sprays, we're building a room  
12 within a room. We're going to take and just, you  
13 know, control, encase the whole area.

14                  And that's what Marty's work is going  
15 to show, but it's -- the advantage also is that,  
16 all of the windows that are stain glass, we want  
17 to take that access away from the patrons.  
18 That's also the weakest point where you go, oh,  
19 naturally, sound's going to go through that area.

20                  But if those are closed up from the  
21 interior, and we put a strip of LED lights in  
22 there, and protect it from the outside, you can,  
23 historically, light the windows.

24                  And inside, we'll just do some faux  
25 windows that would have LED screens in it, so you



1 could replicate church windows if you wanted to,  
2 that's not necessarily what you want to do, but  
3 it's part of the light show, so it's solved a  
4 problem, plus, it also added another sound  
5 barrier.

6 It also shows what we're going to  
7 treat the floor, so if there is sound, you know,  
8 again, every chance we have to absorb sound,  
9 we're doing it.

10 MR. O'BRIEN: All right. You can  
11 return to the witness stand. What are your  
12 intended days of operation? Let me preface that  
13 by saying, the application specifies seven days a  
14 week. When do you anticipate the business will  
15 be open?

16 THE WITNESS: We're going to be  
17 following the same model that we were at Town,  
18 very successful model, same programming, really,  
19 just a different location, different address.

20 So Friday and Saturday night, then  
21 rentals, or special occasions, or I mean, but  
22 that's the main nights, Friday and Saturday.  
23 Sunday afternoons, maybe in the spring, but we'll  
24 see how the space works.

25 MR. O'BRIEN: All right. And your

1 intended hours of operation?

2 THE WITNESS: Typically, you know, on  
3 Friday night, you'll open a little bit earlier,  
4 but on -- you know, so you may open at 8:00, but  
5 on Saturday night --

6 MEMBER SHORT: A.m. or p.m.?

7 THE WITNESS: 8:00 p.m.; p.m. So 8:00  
8 p.m. on Friday night, maybe 9:00 or 10:00 p.m.,  
9 traditionally, 10:00 p.m. on a Saturday night,  
10 just, there's not usually an early crowd, and  
11 then, you know, again, service stops at 2:45, and  
12 people start to leave, 2:45, 2:30, but, you know,  
13 again, that soft closing, so we're requesting  
14 5:00.

15 MR. O'BRIEN: Why did you choose to  
16 put outdoor seating along K Street and not out  
17 front on North Capitol?

18 THE WITNESS: As a natural barrier to  
19 the residents that live next door. Huge barrier,  
20 so it just, again allowed us to --

21 MR. O'BRIEN: What's the barrier?

22 THE WITNESS: Oh, the church. I mean,  
23 it's five stories with the -- once you get the A-  
24 frame roof.

25 MR. O'BRIEN: Okay. Is that what --

1 turn again, if you would, to the exhibit 4E. Is  
2 that what you were referring to a moment ago?

3 THE WITNESS: I'm so sorry. Yes.

4 MR. O'BRIEN: Okay. Go ahead and  
5 explain that now that the Board has the exhibit  
6 in front of them.

7 THE WITNESS: And when you're looking  
8 at the proposed outdoor area where the crane  
9 currently is, you know, you would enclose it, and  
10 having the patrons right next to the building,  
11 it's that, you know, barrier of the whole  
12 building, the roof, and then when you look over  
13 to the residence, again, you've got that concrete  
14 barrier that goes up to the 12th floor.

15 It just is a natural barrier for all  
16 of it.

17 MR. O'BRIEN: Okay. What measures  
18 will you undertake to control noise outside of  
19 the building?

20 THE WITNESS: Sure. We're posing some  
21 large planters and that's -- you know, so they  
22 actually could be movable, but, you know, leaves  
23 and the trees, so you've got that barrier, which  
24 was quite effective for us over at Town,  
25 although, those were permanent barriers; the

1 original Town.

2 But we also feel that having the Lyft  
3 and Uber pickups on K Street helps to direct  
4 people away from the club, or away from the  
5 residents, when they're leaving.

6 There's an article that the Director  
7 of DDOT was quoted in, that they've used -- they  
8 used it very effectively over in Dupont Circle,  
9 on a narrower street, so again, K Street's a wide  
10 street, but as people leave, as they're calling  
11 for their Uber, it might not be that moment.

12 So putting them over there helps to  
13 organize the crowd just at night, and just makes  
14 -- again, keeps any of the noise away from the  
15 resident.

16 MR. O'BRIEN: What about security?

17 THE WITNESS: Security is very  
18 important to us. We want to use a reimbursable  
19 detail, or just the police detail, even if it's  
20 not reimbursable. To me, you know, Friday and  
21 Saturday night, having two of the MPD there  
22 onsite, having that car parked right there, is  
23 important.

24 MR. O'BRIEN: Did you do that at Town?

25 THE WITNESS: Yes, we did. You know,

1 as far as -- well, yes.

2 MR. O'BRIEN: All right. If lines  
3 form to get in to the club, where will those  
4 lines be permitted to form?

5 THE WITNESS: We're going to direct  
6 them over to K Street and down K Street.

7 MR. O'BRIEN: Is there any possibility  
8 that lines will be permitted to form in front of  
9 the residence building at 1005?

10 THE WITNESS: Nope, not at all.

11 MR. O'BRIEN: Have you explored the  
12 possibility of having customers enter and exit  
13 from K Street?

14 THE WITNESS: We looked at it. We  
15 walked it. We talked about it with Brian. It  
16 just -- first off, it's really hard -- it would  
17 be impossible to do because it's historically  
18 protected, and you want to just preserve the  
19 character of the building. You couldn't.

20 MR. O'BRIEN: Are there doors on K  
21 Street side now?

22 THE WITNESS: Yes. That --

23 MR. O'BRIEN: Is -- go ahead.

24 THE WITNESS: -- residential, I mean,  
25 that -- just if you think of that residential

1 parsonage, that rowhome door, and then you do  
2 have a smaller one that's very closer to it that  
3 is by the end of what you would call the church  
4 proper.

5 MR. O'BRIEN: To what extent do you  
6 envision the need to provide for customer  
7 parking?

8 THE WITNESS: Well, we did go over and  
9 speak to the gentleman who has the lot behind  
10 Elevate and they're very happy to stay open  
11 whatever hours we have.

12 You know, I would love to get the lot  
13 across the corner, especially since it closes at  
14 7:30, but, you know, I think that's going to be a  
15 staging area for construction in a couple of  
16 years, so I mean, we'll explore it, but I was  
17 talking to Mark Barnes last night, and he was  
18 talking about parking at Uber, and how they have  
19 the whole garage spaces right there on 14  
20 percent, and how dramatically the revenue from  
21 that has dropped off because his patrons use Uber  
22 and Lyft. It's convenience.

23 MR. O'BRIEN: Those are my questions,  
24 Mr. Chair.

25 CHAIRPERSON ANDERSON: I was advised

1 to inform you that you have used 30 minutes so  
2 far for your time.

3 MR. O'BRIEN: Thank you.

4 CHAIRPERSON ANDERSON: All right. Mr.  
5 Blanchard, your witness.

6 MR. BLANCHARD: Thank you. Let's see,  
7 Mr. Guggenmos, just a couple questions.

8 THE WITNESS: Yes.

9 MR. BLANCHARD: On the, and I'm going  
10 to refer back to the photo of P Street that shows  
11 Halo?

12 THE WITNESS: Yes.

13 MEMBER SHORT: All.

14 MR. BLANCHARD: All. Thank you.

15 THE WITNESS: Yes, sir.

16 MR. BLANCHARD: So the 2nd floor  
17 there, did you enclose that at a certain point  
18 or I mean, did you put a roof on it?

19 THE WITNESS: No.

20 MR. BLANCHARD: Was it a summer garden  
21 before?

22 THE WITNESS: No, no, no. Not on the  
23 2nd floor. It abuts directly to the apartment  
24 complex, which was built, I think, in 2004. That  
25 was an auto body glass shop. Both floors.

1 MR. BLANCHARD: Right.

2 THE WITNESS: You know, it's the '50s.  
3 We added the skylights as part of the renovation.

4 MR. BLANCHARD: Okay. Oh, so this is  
5 on 14th Street.

6 THE WITNESS: Yes, sir.

7 MR. BLANCHARD: Okay. Got you. I was  
8 thinking of another club around the corner.

9 THE WITNESS: Oh, okay.

10 MR. BLANCHARD: Sorry.

11 THE WITNESS: No, not a problem.

12 MR. BLANCHARD: Okay. And then --

13 MR. O'BRIEN: I'm sorry, if I may  
14 interrupt, I don't want the witness to  
15 inadvertently confuse, what's the street address  
16 for Number Nine?

17 THE WITNESS: 1435 P Street.

18 MR. BLANCHARD: Oh, it is on P Street.

19 THE WITNESS: Yes. Oh, I'm sorry.  
20 Sorry, sorry, I -- 14th and P, I just -- I think,  
21 yes, I'm so sorry. Yes, it's on P Street; 1435.  
22 We have a tavern, 1410, Trade, which is on 14th  
23 Street.

24 MR. BLANCHARD: Right.

25 THE WITNESS: My apologies.



1 MR. BLANCHARD: And that's in the old  
2 auto showroom.

3 THE WITNESS: No, no, no, Number Nine,  
4 the one we're looking at --

5 MR. BLANCHARD: Oh, really?

6 THE WITNESS: -- is the -- used to be  
7 an auto body glass shop.

8 MR. BLANCHARD: Glass shop. Okay.

9 THE WITNESS: Repair. Yes, Guy  
10 Hawkins has owned it for all that time.

11 MR. BLANCHARD: Got you.

12 THE WITNESS: I'm so sorry.

13 MR. BLANCHARD: That's okay. And you  
14 talked about -- you mentioned you're very careful  
15 about having an impact on the neighborhood, did  
16 you speak with any of the protestants as part of  
17 your -- other than the ANC, as part of your  
18 approaching the neighbors?

19 THE WITNESS: We did their alcohol  
20 beverage meeting in which it was very, very, very  
21 well attended. I don't know if it broke a  
22 record, but it was very well attended.

23 MR. BLANCHARD: Excuse me, you're  
24 talking about the mediation?

25 THE WITNESS: No, no, no.

1 MR. BLANCHARD: Okay.

2 THE WITNESS: We met with the ANC  
3 prior.

4 MR. BLANCHARD: Okay.

5 THE WITNESS: Yes. So there were a  
6 number of residents from all over the ANC, and I  
7 would say, even across in the neighboring ANC,  
8 that went a couple hours. Then we also had  
9 another separate meeting with Chapman, inside the  
10 community room at the John and Jill Ker Conway  
11 Home.

12 MR. BLANCHARD: Okay. Thank you.

13 THE WITNESS: Okay.

14 MR. BLANCHARD: That's all I want to  
15 know.

16 THE WITNESS: All right.

17 MR. BLANCHARD: And then you implied  
18 that there weren't any issues with the original  
19 Town.

20 THE WITNESS: Very proud of the way we  
21 operated, yes.

22 MR. BLANCHARD: Okay. Are you  
23 familiar with this document? This is Plaintiff's  
24 Exhibit 7.

25 (Whereupon, the document referred to

1 was marked as Plaintiff's Exhibit 7 for  
2 identification.)

3 CHAIRPERSON ANDERSON: That's in your  
4 exhibits?

5 MR. BLANCHARD: Those are my exhibits.

6 THE WITNESS: Yes, sir.

7 CHAIRPERSON ANDERSON: Can we identify  
8 it for the -- what is Number 7?

9 MR. BLANCHARD: It's titled,  
10 Investigative History Town License ABRA-076801.  
11 It's the prior iteration of -- the former  
12 business that closed in mid-2017.

13 THE WITNESS: Oh, yes. And when I  
14 look at that, you know, just if we conservatively  
15 had 2000 people a week, you know, ten years,  
16 you're talking 1 million people through the doors  
17 and there are 16 incidents.

18 You know, yes, unfortunately, at  
19 times, people -- I mean, I remember one of them,  
20 that there was a girl that we felt had too much  
21 to drink and she ended up hitting one of our  
22 police officers, so you don't do that.

23 Unfortunately, sometimes people do  
24 push and shove, and it ends up at an issue.

25 MR. BLANCHARD: Okay. Thank you. And

1 then just on some of the plans, I had one or two  
2 quick questions.

3 THE WITNESS: Sure.

4 MEMBER SHORT: Well, is it possible,  
5 Mr. Chair --

6 CHAIRPERSON ANDERSON: Where is this  
7 document? I can't find it.

8 MR. BLANCHARD: It's Plaintiff's  
9 Exhibit 7, P7. I have extra copies if you need  
10 them. On the -- and I'm sorry, I'm going to have  
11 to find the plan, I think it's A6. A6 or 7 of  
12 the plans. 6.

13 MR. O'BRIEN: You're talking about  
14 Applicant's 6 now?

15 MR. BLANCHARD: Applicant's 6. So the  
16 ABRA license application, which is not an  
17 exhibit. It's in the Board's record. I mean,  
18 it's in ABRA's record, talks about two dance  
19 floors and a mezzanine level. Can you tell me  
20 where the -- I see one -- there's a depiction of  
21 a man standing on top of the second level.

22 THE WITNESS: Yes. That's a cross-  
23 section of the building. If we're able, we put  
24 the mezzanine in the back to give, actually, a  
25 better viewing angle of the stage, and especially

1 since the large windows that are out on to North  
2 Capitol, we're going to go ahead and enclose in  
3 that room.

4 You know, it becomes a very, kind of,  
5 tired space, so it's an opportunity to actually  
6 provide better viewing on the stage.

7 It's a possibility it won't happen,  
8 but I wanted to be forthright with, even with the  
9 application.

10 MR. BLANCHARD: Okay. So on A7, that  
11 would be what was the front of the -- or I guess  
12 the side closest to North Capitol, where you got  
13 a -- I don't have the board --

14 THE WITNESS: That's okay.

15 MR. BLANCHARD: -- but it's a block  
16 that says, seating, is that, sort of, where the  
17 mezzanine would be, facing the stage.

18 THE WITNESS: Yes.

19 MR. BLANCHARD: Okay.

20 THE WITNESS: Yes.

21 MR. BLANCHARD: So that would be on  
22 the front of the building.

23 THE WITNESS: Yes.

24 MR. BLANCHARD: And then you mentioned  
25 -- and I realize the property's historic --

1 THE WITNESS: Sure.

2 MR. BLANCHARD: -- but it would be  
3 helpful to have exit doors on the side.

4 THE WITNESS: Well, there will be exit  
5 doors on the side, but it just --

6 MR. O'BRIEN: Was that a question, Mr.  
7 Chair?

8 CHAIRPERSON ANDERSON: I was about to  
9 ask Mr. Blanchard --

10 MR. BLANCHARD: Let me rephrase, the  
11 exit doors on the side, will they be used for  
12 emergency only or regular patron access?

13 THE WITNESS: The size of the doors,  
14 obviously, they could serve as emergency doors,  
15 but also, access to the summer garden. You've  
16 got to be able to keep, again, the patrons in  
17 that area without going out the front and around.

18 MR. BLANCHARD: Right. And then my  
19 last question is, on the summer garden itself, is  
20 there any proposal to cover it with a cloth or  
21 anything else that would keep sound from -- I  
22 know the church is blocking some of the sound,  
23 but the sound may also go across the street and  
24 bounce off where DCRA used to be at 941 North  
25 Capitol and come back, and reverberate around the

1 neighborhood, so other than plantings, is there  
2 any other soundproofing that's intended?

3 THE WITNESS: No, and we've thrown  
4 around summer garden or sidewalk cafes. I  
5 believe it is a sidewalk café, so we're going to  
6 be limited into, you know, putting a physical  
7 structure there. I think you have to be able to  
8 remove it within 24 hours notice.

9 MR. BLANCHARD: Temporary. Yes.

10 THE WITNESS: Something like that.

11 MR. BLANCHARD: If it's in public  
12 space, yes.

13 THE WITNESS: No, we don't have any  
14 plans to, and again, I just kind of go back to  
15 the model of the way Town was. Our patio wasn't  
16 enclosed and we had, you know, 795 residents  
17 living right around that block across Florida and  
18 8th Street.

19 MR. BLANCHARD: Right. Is there going  
20 to be any sound system in the sidewalk  
21 cafe/summer garden?

22 THE WITNESS: No.

23 MR. BLANCHARD: None.

24 THE WITNESS: None.

25 MR. BLANCHARD: So it'll be just the

1 human voice.

2 THE WITNESS: Absolutely.

3 MR. BLANCHARD: Thank you. That's the  
4 end of my questions.

5 CHAIRPERSON ANDERSON: Any questions  
6 by any Board Members?

7 MEMBER SHORT: Yes, Mr. Chairman.

8 CHAIRPERSON ANDERSON: Well, go ahead,  
9 Mr. Short.

10 MEMBER SHORT: This could be for your  
11 attorney or yourself, Plaintiff's review for this  
12 --

13 CHAIRPERSON ANDERSON: It has to be to  
14 him, Mr. Short.

15 MEMBER SHORT: Okay. All right. Have  
16 you submitted plans to the city?

17 THE WITNESS: No.

18 MEMBER SHORT: Are these architectural  
19 drawings?

20 THE WITNESS: These are proposed  
21 layout drawings that we're going to be going and  
22 finalizing, hopefully doing the accelerated  
23 permit. Douglas has done his own set for the  
24 structural. They're in process of being reviewed  
25 and done.



1                   Structural will happen first and then  
2                   our -- really, we're just trying to honor the  
3                   building so it's more MEP work and not so much --

4                   MEMBER SHORT: So according to the  
5                   building codes, you're actually building a new  
6                   building.

7                   THE WITNESS: If you're building a  
8                   room inside of -- you're drywalling it up, you're  
9                   putting all of the sound absorbing insulation,  
10                  just encapsulating that, that large room.

11                  MEMBER SHORT: And for those who don't  
12                  know, or wouldn't have an idea, basically,  
13                  according to the D.C. building code, then you  
14                  have to have every emergency safety equipment two  
15                  aisles between the floors, the walls, so a lot of  
16                  that is going to be up to date. I mean, I know  
17                  it's totally sprinkled.

18                  THE WITNESS: No, it's not sprinkled  
19                  right now. All of it is going to --

20                  MEMBER SHORT: But I'm saying --

21                  THE WITNESS: Yes.

22                  MEMBER SHORT: -- when you do this,  
23                  you're going to have to sprinkle it.

24                  THE WITNESS: Absolutely.

25                  MEMBER SHORT: That will be the law.

1 How many stories?

2 THE WITNESS: It's two stories.

3 MEMBER SHORT: Yes, you're going to  
4 have to keep sprinkling it.

5 THE WITNESS: Oh, yes.

6 MEMBER SHORT: And so the bottom-line  
7 is, the community, if you could, you need to have  
8 meetings with the community and let them know  
9 exactly where you are in the planning stage.

10 This will be a benefit, as far as what  
11 I'm hearing, and with my experience with District  
12 Government, to have a building totally brand new  
13 out of something, after looking at this pictures,  
14 and as a child, I went to -- visited that church  
15 with my parents, and right now, it's an eyesore,  
16 and it's -- talking about property values, if  
17 anything, it's bringing the neighborhood down.

18 And what you're trying to do -- if you  
19 can work it out with the community, and I wished  
20 you could, there should be a -- could be a  
21 benefit.

22 A lot of new businesses in Washington  
23 have partnerships with the community.

24 THE WITNESS: Sir, I'm absolutely open  
25 to it and I've been -- I mean, I was raised

1 Southern Baptist, so I am aware, just of the  
2 sensitivity of a church, of the community, the  
3 sensitivities of the residents that live next  
4 door.

5 I mean, my great uncle served in the  
6 service, my cousin came back, and he committed  
7 suicide. He did not have the support of a  
8 network there in Nebraska to help him reenter  
9 into the community. Being involved in the --

10 MEMBER SHORT: Let me cut you off for  
11 a moment.

12 THE WITNESS: I'm so sorry. I'm a  
13 rambler.

14 MEMBER SHORT: Since the veterans live  
15 --

16 THE WITNESS: Yes.

17 MEMBER SHORT: -- in very close  
18 proximity.

19 THE WITNESS: Yes, sir.

20 MEMBER SHORT: So could your business  
21 do a partnership with the veterans? It can help  
22 them out a little bit or?

23 THE WITNESS: Sir, I would be very  
24 willing and happy to. On the mediations, even in  
25 the discussions, it has just been --

1                   MEMBER SHORT: Can't talk about  
2 mediation.

3                   THE WITNESS: What?

4                   MR. O'BRIEN: Can't talk about  
5 mediation.

6                   THE WITNESS: Oh, I'm sorry. Okay.  
7 Even outside the mediation, there was just no  
8 discussion about solving issues because it was,  
9 we just don't want it to happen.

10                   I've had a settlement agreement with  
11 every business that I've had. I believe they  
12 work. I know that, in my colleagues, I'm  
13 probably the lone voice of it, that a lot of  
14 people don't like them, but in my view, if you're  
15 going to do it, put in a paper. What does it  
16 matter?

17                   So I --

18                   MEMBER SHORT: It's on paper, it's not  
19 --

20                   THE WITNESS: I think they work, but  
21 that's -- and I still am willing to do it.

22                   MEMBER SHORT: Well, I'll just make a  
23 qualifying statement then before I do my last  
24 question, looking at these drawings, once they  
25 are approved and they get to this Board, I think

1 the citizens, everybody, will be a lot better off  
2 with a building there that's being used, and  
3 paying taxes to the city, rather than an eyesore  
4 that's caving in on itself.

5 That's my personal -- so again, I'd  
6 just like to -- my last question, just after my  
7 qualifying statement, would you, you're on the  
8 record and you're under oath, if this Board  
9 should have, after you workout something with the  
10 community, approve this, you are saying that you  
11 are going to be a part of this community and  
12 you're going to, as a business -- excuse me?

13 Can I finish? I've never interrupted  
14 any Board Member when they're asking a question,  
15 and doing anything, Mr. Chair, and only thing I'm  
16 trying to say is, in my opinion, as a Board  
17 Member, and I think that weighs one vote, it's  
18 very important that we get this information out  
19 to the community, because right now, the  
20 community appears to be afraid, and they're  
21 protesting something that might really be a  
22 blessing in disguise for the community.

23 Again, I've attended that church with  
24 my family and I'll just simply say this, rather  
25 than see if fall down like it is now, I'd like to

1 see something happen.

2 Both my daughters attended the Academy  
3 of Notre Dame, and both my grandsons attended  
4 Gonzaga, so I know the neighborhood quite well.

5 THE WITNESS: Mr. Chairman, can I  
6 answer?

7 MR. O'BRIEN: You were not asked a  
8 question.

9 THE WITNESS: Oh, I'm so sorry. Okay.

10 MEMBER SHORT: Well, my question  
11 again, I thought I asked a question, but I'll ask  
12 it again, under oath, would you be willing, as a  
13 businessperson, to try to sit down with this  
14 community and provide for them information that  
15 could help both of you, to you and the community  
16 and your business?

17 THE WITNESS: I pledge under oath that  
18 I'll do that. And my history shows it, that, I  
19 mean, I was a member of the CDC Committee on 1B.  
20 I was with their alcohol committee. I have gone  
21 to the ANC meetings in 2F for 25 years. Why I  
22 ran as a Commissioner, because I believe it is a  
23 partnership with our community.

24 We have to respect and work together,  
25 so you have me on oath saying, absolutely.

1                   MEMBER SHORT: This is absolutely the  
2 last question, your history as a businessman and  
3 alcohol business in the city, how many times have  
4 you been down to this Board with problems?

5                   THE WITNESS: We were there one, when  
6 we first opened at Town, and --

7                   MEMBER SHORT: How many years ago was  
8 that?

9                   THE WITNESS: Ten years -- eleven  
10 years ago. I can go into detail if you'd like.

11                  MEMBER SHORT: No, no, once in 29  
12 years, are you saying that for the record?

13                  THE WITNESS: Yes. That's the only  
14 time I have been down at the board, just with  
15 Michael, on that one issue.

16                  MEMBER SHORT: That's all I have, Mr.  
17 Chair.

18                  THE WITNESS: Best of my recollection.  
19 Absolutely is.

20                  CHAIRPERSON ANDERSON: All right. Let  
21 me ask you a question, so tell me about your  
22 involvement or communication with the community.  
23 I think you had started off to say -- state that  
24 you had a meeting in the community center of --

25                  THE WITNESS: Yes.

1                   CHAIRPERSON ANDERSON: Tell me about  
2 your conversation or your involvement with your  
3 outreach to the community, please.

4                   THE WITNESS: I spoke to -- my S&B  
5 reached out prior to the protest period, just  
6 briefly before it, because really, a lot of this  
7 did come into play pretty quick. Made him aware,  
8 also made aware the vets home next door, the John  
9 and Jill Ker Conway, that the posting was  
10 actually going to happen.

11                   Reached out to 6C and to 6E, 6C did  
12 not -- they came to the 6E alcohol meeting,  
13 again, which was -- it was a good question and --  
14 a lot of --

15                   MR. O'BRIEN: It's reversed.

16                   THE WITNESS: What?

17                   MR. O'BRIEN: It's reversed.

18                   THE WITNESS: Oh, I'm so -- yes. I'll  
19 stand corrected. It was a good -- I mean, there  
20 was a good number of people there. Also then,  
21 we're saying, we had setup a meeting with Chapman  
22 and there might have been a misunderstanding, but  
23 I was having Brian fly in from California, our  
24 sound engineer was coming, to sit down and really  
25 look over their designs, although we felt that we



1 had a good understanding of their building.

2 He understood it differently and had  
3 other residents from the neighborhood come. And,  
4 you know, I told Brian, they didn't need to come,  
5 but -- you know, because it was more of a  
6 question and answer series, or really, just  
7 hearing their concerns from the neighborhood.

8 And then we did, of course, our  
9 mandated --

10 CHAIRPERSON ANDERSON: But I don't  
11 care about the mediation. I guess what I'm  
12 asking you, what were the concerns that were  
13 raised to you by the community?

14 THE WITNESS: Noise, there were  
15 religious concerns, traffic, they really -- based  
16 on what they had gone through with FUR and Ibiza,  
17 that you had a hard closing, 1300 and 1500 people  
18 on Patterson and 1st Street, you know, 2800  
19 people out at 3 o'clock at a hard time, of  
20 course, there were traffic issues, but that was  
21 expressed traffic.

22 We did talk about trash, but, you  
23 know, as my S&B will say, it really is noise,  
24 noise, noise.

25 CHAIRPERSON ANDERSON: So how do you

1 plan to -- how did you propose to address the  
2 noise issues, if this is something that was  
3 brought to your attention?

4 THE WITNESS: I mean, being very aware  
5 of my responsibility from the very beginning, we  
6 had Miller, Beam & Paganelli retained. Bill  
7 Maidan, again, a long-time architect of mine, was  
8 there to make sure we fulfilled our  
9 responsibility.

10 Did that answer the question? I'm  
11 sorry.

12 CHAIRPERSON ANDERSON: Let me ask you,  
13 how many, if you recall, not mediation, but how  
14 many meetings did you have with the community  
15 prior to -- I mean, if you can recall, how many  
16 meetings, about how many meetings --

17 THE WITNESS: We had two, and Drew and  
18 I met, so a total of three.

19 CHAIRPERSON ANDERSON: Okay.

20 THE WITNESS: All right.

21 CHAIRPERSON ANDERSON: Any other  
22 questions by any other Board Members? Mr.  
23 Blanchard, any questions based on the questions I  
24 asked -- or that were asked by the Board? And  
25 the same time, if the other two protestants, if

1 you have questions, you can let him know the  
2 questions that you want to be asked.

3 I assume there's none. I just want to  
4 make sure -- I don't want you to not believe that  
5 you've had an opportunity to ask questions. All  
6 right.

7 MR. BLANCHARD: Out of the conditions  
8 that have been proposed by the protestants, which  
9 of those do you think you can accept and which  
10 are unacceptable?

11 THE WITNESS: The Uber and Lyft on K  
12 Street, which is obviously subject to DDOT  
13 approval, if they'll actually put a sign, we can  
14 designate it, but we'd like public signage there,  
15 you know --

16 MR. BLANCHARD: Right. I understand  
17 that.

18 THE WITNESS: -- the other hours, I  
19 can't --

20 MR. BLANCHARD: That may be beyond the  
21 scope of this Board's jurisdiction, but as a  
22 condition that you could try and meet as part of  
23 your liquor license.

24 Since you said you've got settlement  
25 agreements with all your other clubs --

1 THE WITNESS: Yes, I do.

2 MR. BLANCHARD: -- all your other  
3 establishments previously.

4 THE WITNESS: The midnight closing,  
5 the exits, now, they're just -- it just doesn't  
6 work. I mean, we could review the, I think it's,  
7 five items, they're all related, I mean, to that  
8 issue and it just doesn't work.

9 MR. BLANCHARD: And again, the exits,  
10 as Mr. Short knows, is really an HPRB issue.  
11 Well, it's a fire code issue, because you have to  
12 have multiple means of egress and ingress,  
13 especially with a public assembly type of  
14 building permit.

15 THE WITNESS: Correct.

16 MR. BLANCHARD: But exploring that  
17 with the HPRB, would you be willing to do that,  
18 since you're spending over \$1 million anyway.

19 THE WITNESS: You eliminate, then, the  
20 summer garden also, just, the ability of really -  
21 - I mean, that's one of the items that you've put  
22 out there as well, and that's key to the overall  
23 success of controlling the noise, that soft  
24 closing, having that area.

25 It's just, structurally, you would

1 have to open -- it just couldn't be done and save  
2 the character of the building.

3 MR. BLANCHARD: Yes. Thank you.

4 CHAIRPERSON ANDERSON: Any follow-up  
5 questions based on the questions that were asked,  
6 Mr. O'Brien?

7 MR. O'BRIEN: Yes. You told the Chair  
8 in response to his question, that you had three  
9 meetings, apart from the mediation with community  
10 representatives, at any point, until today, has  
11 any -- have any of the community representatives  
12 or groups expressed a willingness to negotiate a  
13 settlement agreement with you?

14 THE WITNESS: No, none. I mean, it  
15 was made very clear, they just didn't feel -- I  
16 mean, Drew was very eloquent about it, that they  
17 were just not in a position he felt that he could  
18 do it.

19 You know, and it was made very clear  
20 multiple times, we just don't want you to do it,  
21 so there was discussion on any of the terms,  
22 because that's the way it was set out.

23 MR. O'BRIEN: Thank you. Thank you,  
24 Mr. Chair.

25 MR. BLANCHARD: Just one quick --

1 CHAIRPERSON ANDERSON: The way it  
2 goes, Mr. Blanchard, is that, we ask -- because  
3 if I give you an opportunity to ask him, then I  
4 have to repeat the full process back again.

5 MR. BLANCHARD: Okay.

6 CHAIRPERSON ANDERSON: So that's why.  
7 I don't want to have another round of questions  
8 from everyone, because to be fair, I'd have to  
9 give Mr. O'Brien an opportunity, so thank you,  
10 sir, for your testimony. You can step down now.

11 THE WITNESS: Thank you, sir.

12 MR. O'BRIEN: Do you want me to start  
13 calling witnesses in from the --

14 CHAIRPERSON ANDERSON: Yes. All  
15 right. Who's your next witness?

16 MR. O'BRIEN: Rob Hudson.

17 CHAIRPERSON ANDERSON: Are you Mr.  
18 Hudson?

19 MR. HUDSON: Yes, sir.

20 CHAIRPERSON ANDERSON: Can you raise  
21 your right hand, sir?

22 WHEREUPON,

23 ROBERT WAYNE HUDSON  
24 was called as a witness by Counsel for the  
25 Applicant and, having been first duly sworn,

1 assumed the witness stand, was examined and  
2 testified as follows:

3 CHAIRPERSON ANDERSON: Thank you.  
4 Your witness. Have a seat. And please speak  
5 into the microphone when you speak.

6 MR. O'BRIEN: State your full name,  
7 please.

8 THE WITNESS: Robert Wayne Hudson.

9 MR. O'BRIEN: And, Mr. Hudson, do you  
10 hold any public office?

11 THE WITNESS: Yes, I do. I'm a  
12 Commissioner for ANC 1B.

13 MR. O'BRIEN: Okay. Were you familiar  
14 with Town nightclub when it existed?

15 THE WITNESS: Yes, it's in our  
16 commission.

17 MR. O'BRIEN: And how long have you  
18 served as a Commissioner?

19 THE WITNESS: This is my third term.

20 MR. O'BRIEN: Before you were on the  
21 commission, were you familiar with Town?

22 THE WITNESS: Yes.

23 MR. O'BRIEN: Okay. Generally  
24 speaking, what kind of a neighbor was Town to the  
25 community?

1           THE WITNESS: Town was a neighbor that  
2 we didn't have to -- Town was not only a neighbor  
3 that we didn't have to worry about, Town was an  
4 exemplary addition to the community, from just  
5 the police officers that they put on the street,  
6 with the security, we were upset to lose them.

7           I personally tried to find space for  
8 them within the ANC, having tours of other  
9 businesses, talking with other property owners,  
10 trying to keep them because of how well the  
11 neighborhood loved them, how safe it made people  
12 in the community, how the owners came to the ANC  
13 meetings and were a participant in our regular  
14 business, served on committees, lent their  
15 experience and their time to how they thought  
16 things should work.

17           And helped us with other problematic  
18 businesses. Town was one that we never worried  
19 about.

20           MR. O'BRIEN: Were you aware that Town  
21 had outdoor seating at some point?

22           THE WITNESS: Yes.

23           MR. O'BRIEN: Was that outdoor seating  
24 ever a source of disruption in the neighborhood?

25           THE WITNESS: No, the outdoor seating,



1 you couldn't hear anything from -- the noise  
2 mitigation done to the outdoor patio was extreme.  
3 You could walk by and not hear anything. It was  
4 lovely. It was all wood, which just kind of  
5 sucked up the noise, I'm not a noise expert, and  
6 so yes, there was not one complaint to the ANC  
7 for the entire time Town was there.

8 MR. O'BRIEN: Any complaints to the  
9 ANC regarding emanation of noise from within the  
10 building?

11 THE WITNESS: No. It, like the other  
12 club that's in the ANC, the 930 Club, you can  
13 walk by it and not know it's there.

14 MR. O'BRIEN: Those are my questions,  
15 Mr. Chair.

16 CHAIRPERSON ANDERSON: Mr. Blanchard?

17 MR. BLANCHARD: Just one quick  
18 question, Mr. Hudson. You said that they noise  
19 mitigation for the summer garden was all wood, so  
20 what did that look like?

21 THE WITNESS: It was solid wood. I  
22 think it was about a foot wide, or thick,  
23 surrounding the entire place. I believe that  
24 there were cement retainers in the middle. I  
25 believe that they had a noise expert that angled

1 things so it kept the noise inside, and the walls  
2 were high around it.

3 MR. BLANCHARD: How high were those  
4 walls?

5 THE WITNESS: I can't tell you. I'm  
6 not --

7 MR. BLANCHARD: Just as high as --  
8 tall as I am?

9 THE WITNESS: No, you couldn't see  
10 over them, but there was a big, huge door in the  
11 front that opened.

12 MR. BLANCHARD: Okay. All right.

13 THE WITNESS: Yes. Thank you.

14 CHAIRPERSON ANDERSON: Any questions  
15 by any of the Board Members? Mr. Hudson, thank  
16 you for your testimony. You can step down. Do  
17 we have another witness?

18 MR. O'BRIEN: Yes. Trung Vu. Staff  
19 is asking him to come in. Here he comes.

20 CHAIRPERSON ANDERSON: Can you raise  
21 your right hand for the record, please.

22 WHEREUPON,

23 TRUNG VU  
24 was called as a witness by Counsel for the  
25 Applicant and, having been first duly sworn,

1 assumed the witness stand, was examined and  
2 testified as follows:

3 CHAIRPERSON ANDERSON: Have a seat.  
4 Please pull the microphone in close to you, sir?

5 THE WITNESS: Can you hear me?

6 MR. O'BRIEN: All right. Would you  
7 state your full name and spell both your first  
8 and last names, please?

9 THE WITNESS: My full name is Trung  
10 Dang Vu. The first name is Trung. It's spelled,  
11 T-R-U-N-G, the last name is Vu, V, as in Victor,  
12 U, as in umbrella.

13 MR. O'BRIEN: What is your profession?

14 CHAIRPERSON ANDERSON: I'm sorry, V,  
15 what?

16 THE WITNESS: V-U.

17 CHAIRPERSON ANDERSON: Okay.

18 MR. O'BRIEN: What is your profession?

19 THE WITNESS: I'm a physician.

20 MR. O'BRIEN: Where do you reside?

21 THE WITNESS: I live at 2040 8th  
22 Street, NW.

23 MR. O'BRIEN: Do you recall Town  
24 nightclub?

25 THE WITNESS: Yes, I live across the

1 street from it.

2 MR. O'BRIEN: Okay. How long did you  
3 live across the street from Town?

4 THE WITNESS: I've lived there since  
5 April of 2015, so the last four and a half years.

6 MR. O'BRIEN: Okay. What was your  
7 experience with respect -- well, let me go back a  
8 step to make it clear, at least to me, what was  
9 the proximity of your residence to Town?

10 THE WITNESS: I would say from my  
11 front door of my building, it's a condominium  
12 building, to the front door of Town, it's a  
13 diagonal, it's about 20, 30 feet? It's literally  
14 across the street.

15 MR. O'BRIEN: Okay. During the time  
16 that Town operated, did you experience any issues  
17 with noise emanating from Town?

18 THE WITNESS: No, not from Town.

19 MR. O'BRIEN: Did you experience noise  
20 from other places?

21 THE WITNESS: Oh, yes, there's other  
22 bars and restaurants.

23 MR. O'BRIEN: Did you observe at any  
24 time, security measures outside of Town?

25 THE WITNESS: Yes, outside of Town

1 there would be police cars and policemen.

2 MR. O'BRIEN: Those are my questions.

3 CHAIRPERSON ANDERSON: Any questions,  
4 Mr. Blanchard?

5 MR. BLANCHARD: Mr. Vu, are you  
6 familiar with the enclosure around the outside  
7 summer garden, sidewalk café, since you lived so  
8 close?

9 THE WITNESS: Yes, they had a board  
10 structure that was like a fence structure, from  
11 the street, you couldn't see into it, it was  
12 taller than my height, so I think that probably  
13 mitigated sound and kept it quiet.

14 MR. BLANCHARD: Okay. So you'd  
15 characterize it as a fence or a wall?

16 THE WITNESS: Yes, it's a wooden  
17 structure. It looked wooden to me. I'm not an  
18 architect, but --

19 MR. BLANCHARD: That's fine.

20 THE WITNESS: Yes.

21 MR. BLANCHARD: No other questions.

22 CHAIRPERSON ANDERSON: Any questions  
23 by any Board Members? Mr. Vu?

24 THE WITNESS: Dr. Vu, yes.

25 CHAIRPERSON ANDERSON: Mr. Vu?

1 THE WITNESS: Dr. Vu?

2 CHAIRPERSON ANDERSON: Dr. Vu, thank  
3 you very much for your testimony. You may step  
4 down.

5 THE WITNESS: Thank you.

6 CHAIRPERSON ANDERSON: Another  
7 witness?

8 MR. O'BRIEN: Yes. John Fanning.  
9 Staff is asking him to come in.

10 CHAIRPERSON ANDERSON: You were sure.  
11 You said two minutes. Mr. Fanning, can you raise  
12 your right hand, please.

13 WHEREUPON,

14 JOHN FANNING

15 was called as a witness by Counsel for the  
16 Applicant and, having been first duly sworn,  
17 assumed the witness stand, was examined and  
18 testified as follows:

19 CHAIRPERSON ANDERSON: Have a seat.

20 MR. O'BRIEN: State your full name,  
21 please.

22 THE WITNESS: Yes, John Fanning, F-A-  
23 N-N-I-N-G.

24 MR. O'BRIEN: Mr. Fanning, do you hold  
25 any public office?

1 THE WITNESS: I do. I am the Chairman  
2 of Advisory Neighborhood Commission 2F.

3 MR. O'BRIEN: Okay. Are you familiar  
4 with businesses known as Trade and a separate  
5 business known as Number Nine?

6 THE WITNESS: I am. Very familiar.

7 MR. O'BRIEN: Are those businesses  
8 within the jurisdiction of your advisory  
9 neighborhood commission?

10 THE WITNESS: That's correct.

11 MR. O'BRIEN: Are you acquainted with  
12 John Guggenmos?

13 THE WITNESS: I am.

14 MR. O'BRIEN: Okay. What have been  
15 the Commission's experiences with Trade and  
16 Number Nine with respect to generation of noise  
17 or security concerns?

18 THE WITNESS: Well, I'm glad to be  
19 here to witness and support the application  
20 because I've had a 20-year relationship with Mr.  
21 Guggenmos prior to him being an ANC Commissioner,  
22 and they've been nothing but compassionate,  
23 caring, and engaged business owners.

24 MR. O'BRIEN: Engaged with whom?

25 THE WITNESS: The community.

1 MR. O'BRIEN: Those are my questions.

2 CHAIRPERSON ANDERSON: Mr. Blanchard.

3 MR. BLANCHARD: Good afternoon,  
4 Commissioner Fanning.

5 THE WITNESS: Mr. Blanchard, how are  
6 you?

7 MR. BLANCHARD: I'm well.

8 THE WITNESS: So we sort of are  
9 switching sides here.

10 CHAIRPERSON ANDERSON: All right.

11 MR. BLANCHARD: Just one quick  
12 question, the two establishments that Mr. O'Brien  
13 mentioned, Trade and Number Nine, do those have  
14 settlement agreements with the --

15 THE WITNESS: They do. Yes, they do.

16 MR. BLANCHARD: And do those  
17 settlement agreements address noise and --

18 THE WITNESS: They do.

19 MR. BLANCHARD: -- traffic concerns?

20 THE WITNESS: Yes.

21 MR. BLANCHARD: Okay. Thank you.

22 THE WITNESS: They do very responsive  
23 and I think they would be a great neighbor.

24 MR. BLANCHARD: Thank you.

25 THE WITNESS: You couldn't ask for



1 better business owners and I think that they  
2 would have a great relationship with the  
3 neighbors and the ANC Commission.

4 MR. BLANCHARD: Okay. Thank you.

5 THE WITNESS: Thank you.

6 CHAIRPERSON ANDERSON: Any questions  
7 by the Board Members? Mr. Fanning, thank you  
8 very much for your testimony. You may step down.

9 THE WITNESS: Board Members, thank you  
10 so much.

11 CHAIRPERSON ANDERSON: Do you have  
12 another witness, sir?

13 MR. O'BRIEN: I have two more  
14 witnesses, but I'm going to save them for  
15 rebuttal, and based on the testimony that's been  
16 presented thus far, including the testimony of  
17 the Investigator, we'll rest our case in chief.

18 CHAIRPERSON ANDERSON: All right.  
19 Thank you. All right. Let's take a ten-minute  
20 break and then we'll have the protestant put its  
21 case on.

22 (Whereupon, the above-entitled matter  
23 went off the record at 3:39 p.m. and resumed at  
24 3:50 p.m.)

25 CHAIRPERSON ANDERSON: All right.

1 Who's your first witness here?

2 MR. BLANCHARD: I'd like to call Eric  
3 Johnson, if he's available.

4 CHAIRPERSON ANDERSON: Where is Mr.  
5 Johnson? We're looking for Mr. Eric Johnson.  
6 Have a seat over here, sir. Can you raise your  
7 right hand, please.

8 WHEREUPON,

9 ERIC JOHNSON

10 was called as a witness by Counsel for the  
11 Protestant and, having been first duly sworn,  
12 assumed the witness stand, was examined and  
13 testified as follows:

14 CHAIRPERSON ANDERSON: Have a seat.  
15 Your witness, Mr. Blanchard.

16 MR. BLANCHARD: Thank you. Mr.  
17 Johnson, would you state your name for the  
18 record, please?

19 THE WITNESS: Eric Johnson. D.C. Fire  
20 and EMS Department.

21 MR. BLANCHARD: And what is your  
22 position with the fire and EMS department?

23 THE WITNESS: Currently, I'm a program  
24 analyst.

25 MR. BLANCHARD: Thank you.

1 CHAIRPERSON ANDERSON: Can I ask a  
2 question, Mr. Johnson, is he testifying in his  
3 personal capacity or in his business capacity?

4 MR. BLANCHARD: I'm calling Mr.  
5 Johnson in his business capacity.

6 CHAIRPERSON ANDERSON: I'm sorry?

7 MR. BLANCHARD: In his capacity as --  
8 with the fire and EMS department, not as an  
9 individual.

10 CHAIRPERSON ANDERSON: Okay.

11 MR. BLANCHARD: I am referring to  
12 Plaintiff's Exhibit 6.

13 (Whereupon, the document referred to  
14 was marked as Plaintiff's Exhibit 6 for  
15 identification.)

16 THE WITNESS: Is it in here?

17 CHAIRPERSON ANDERSON: All right.

18 MR. BLANCHARD: Mr. Johnson, what is  
19 --

20 THE WITNESS: We were asked to develop  
21 a list of the D.C. Fire and EMS events from  
22 November 1, 2018 through October 31, 2019, for  
23 these addresses of 1001 and 1005 North Capitol  
24 Street and the unit block of K Street, NE.

25 MR. BLANCHARD: Thank you. And what

1 is the second page of the exhibit, is that -- did  
2 you prepare that?

3 THE WITNESS: I did. This is what's  
4 called a pivot table that summarizes, by those  
5 locations, and since North Capitol and K is  
6 adjacent to all this, I felt it was important to  
7 represent that on this list because when you have  
8 a fire and EMS incident, it may not be  
9 represented as an address, but as an  
10 intersection.

11 So this is a summary of those  
12 incidents in that time period to those locations.  
13 I classified them as EMS calls, and fire, and  
14 other, which is what we commonly do, to  
15 differentiate between those.

16 An EMS call would be any call for  
17 medical assistance or someone, perhaps, who was  
18 injured. A fire and other call would be for a  
19 building fire or a fire somewhere, or for other  
20 sorts of assistance, like if someone needs help  
21 that -- and it's not a fire, such as they've  
22 fallen and can't get up, let's say, or some other  
23 lift assist, is one of those types of calls,  
24 where they need assistance from the fire  
25 department getting into their dwelling, which

1 sometimes happens.

2 MR. BLANCHARD: Thank you. And how  
3 many calls for service, just to -- in total, were  
4 there for the address of 1005 North Capitol  
5 Street?

6 THE WITNESS: Two-hundred and ten.

7 MR. BLANCHARD: Thank you very much.  
8 Without objection, I'd like this exhibit to be  
9 entered into the record.

10 MR. O'BRIEN: No objection.

11 CHAIRPERSON ANDERSON: So moved.

12 MR. BLANCHARD: No further questions.

13 CHAIRPERSON ANDERSON: Mr. O'Brien?

14 MR. O'BRIEN: Mr. Johnson, I see EMS  
15 calls during the irrelevant time period totaled  
16 191?

17 THE WITNESS: For that particular  
18 address, yes, sir.

19 MR. O'BRIEN: Yes, I'm sorry, for 1005  
20 North Capitol.

21 THE WITNESS: Yes.

22 MR. O'BRIEN: Totaled 191. Now, you  
23 don't know or we don't know from this data, the  
24 nature of each of those calls.

25 THE WITNESS: We have -- I do have the

1 data on that. I wasn't sure the seriousness of  
2 them, if that was relevant to the question that  
3 we were asked.

4 MR. O'BRIEN: In your experience, and  
5 the experience in the fire department, are there  
6 a lot of calls for service, EMS service, so that  
7 people can get a ride to a doctor or to a  
8 hospital?

9 THE WITNESS: That --

10 MR. BLANCHARD: Objection. Relevancy.

11 MR. O'BRIEN: Do you want me to  
12 respond?

13 CHAIRPERSON ANDERSON: Yes.

14 MR. O'BRIEN: Well, it's highly  
15 relevant. What the protestants want the Board to  
16 do is presume that there were 191 sick people at  
17 that property, and that's not always the case  
18 with an EMS call.

19 CHAIRPERSON ANDERSON: I'll overrule  
20 the objection. Answer the question, sir, if you  
21 can.

22 THE WITNESS: It happens sometimes.  
23 I can't quantify here how many times that would  
24 be at that location. We have various means of  
25 helping people seek medical attention during the

1 time period here.

2 We have a system called the nurse  
3 triage line, where the person can call and talk  
4 to one of our nurse triage persons and they can  
5 help get connected to appropriate levels of care  
6 without requiring an ambulance.

7 MR. O'BRIEN: Okay. But you would  
8 agree, would you not, that the fact that we have  
9 191 EMS calls doesn't mean there were 191 sick  
10 people.

11 THE WITNESS: Just from the list, they  
12 could be sick. We wouldn't necessarily have  
13 transported those persons. It could be 191  
14 different persons. It could be the same person  
15 191 times. I wasn't asked to quantify that.

16 MR. O'BRIEN: No, I understand that.  
17 Those persons that might call more than once, are  
18 you familiar with the term, frequent flyers?

19 THE WITNESS: People have used that  
20 term. We don't like to use that term.

21 MR. O'BRIEN: But you do find,  
22 generally speaking, that relatively few  
23 individuals constitute a disproportionate source  
24 of calls for EMS service.

25 THE WITNESS: In the fire and EMS

1 service, that has been -- seems to be a common  
2 topic.

3 MR. O'BRIEN: Those are my questions.  
4 Thank you.

5 CHAIRPERSON ANDERSON: Any questions  
6 by any Board Members? Yes, Mr. Short.

7 MEMBER SHORT: Mr. Johnson, Mr. Eric  
8 Johnson, thank you for your service.

9 THE WITNESS: Thank you.

10 MEMBER SHORT: How familiar are you  
11 with the 1100 Block of North Capitol Street?

12 THE WITNESS: The 1100 Block, just  
13 that it's -- just where it is. I don't go by  
14 there.

15 MEMBER SHORT: Are you familiar with  
16 a building called Sibley Plaza at 1140 North  
17 Capitol Street?

18 THE WITNESS: Yes, when I was an EMS  
19 provider, I'm sure I've been there more than  
20 once, sir.

21 MEMBER SHORT: So the fire  
22 department's there an awful lot, aren't they?

23 THE WITNESS: Yes, sir. I would think  
24 so.

25 MEMBER SHORT: A lot of structure



1 fires. I've been to some there, but I'll just  
2 simply say this to you, that's probably the  
3 closest intersection that they would use on the  
4 computer, would be either K Street or M Street,  
5 because L Street doesn't come all the way  
6 through, right?

7 L Street stops on the even side,  
8 facing 1140 North Capitol Street.

9 THE WITNESS: I do have a map here and  
10 you are correct, according to the map.

11 MEMBER SHORT: Okay. Thank you very  
12 much for your service and thank you for your  
13 testimony. That's all I have, Mr. Chair.

14 THE WITNESS: Thank you.

15 CHAIRPERSON ANDERSON: Any other  
16 questions by any of the Board Members? Mr.  
17 O'Brien, any questions based on the questions  
18 that were asked by Mr. Short?

19 MR. O'BRIEN: No, sir.

20 CHAIRPERSON ANDERSON: Mr. Blanchard,  
21 any questions based on the questions asked by Mr.  
22 Short?

23 MR. BLANCHARD: No, thank you.

24 CHAIRPERSON ANDERSON: Mr. Johnson,  
25 thank you very much for your testimony. You can

1 step down.

2 THE WITNESS: Thank you very much.

3 CHAIRPERSON ANDERSON: Do you have  
4 another witness?

5 MR. BLANCHARD: Yes. Thank you. I'd  
6 like to call Chapman Todd.

7 CHAIRPERSON ANDERSON: Chapman Todd.

8 MR. BLANCHARD: First name is Chapman,  
9 last name is Todd.

10 CHAIRPERSON ANDERSON: Mr. Todd, can  
11 you raise your right hand, please.

12 WHEREUPON,

13 CHAPMAN TODD

14 was called as a witness by Counsel for the  
15 Protestant and, having been first duly sworn,  
16 assumed the witness stand, was examined and  
17 testified as follows:

18 CHAIRPERSON ANDERSON: Pull the  
19 microphone to you when you speak, sir.

20 THE WITNESS: Okay. How's that?

21 CHAIRPERSON ANDERSON: Thank you.  
22 Your witness, Mr. Blanchard.

23 MR. BLANCHARD: Mr. Todd, I'm going to  
24 hand you a letter that's marked Plaintiff's  
25 Exhibit 8. Mr. Todd, are you familiar with this

1 letter?

2 (Whereupon, the document referred to  
3 was marked as Plaintiff's Exhibit 8 for  
4 identification.)

5 THE WITNESS: Yes, I am.

6 MR. BLANCHARD: And would you -- do  
7 you recognize the signatory of this letter?

8 THE WITNESS: Yes, I do.

9 MR. BLANCHARD: And who is that  
10 signatory?

11 THE WITNESS: It's Roseanne Haggerty.  
12 She's the president and CEO of Community  
13 Solutions.

14 MR. BLANCHARD: And who do you work  
15 for?

16 THE WITNESS: So my business is called  
17 Jaydot. It's a D.C.-based business. Jaydot has  
18 had a contract with Community Solutions for a  
19 number of years to work on the development and  
20 operation of supportive housing.

21 MR. BLANCHARD: I'd like to ask that  
22 Plaintiff's Exhibit 8 be entered into the record

23 --

24 MR. O'BRIEN: No objection.

25 MR. BLANCHARD: -- without objection.

1 CHAIRPERSON ANDERSON: Admitted  
2 without objection.

3 (Whereupon, the document previously  
4 marked as Plaintiff's Exhibit 8 for  
5 identification was received into evidence.)

6 MR. BLANCHARD: Mr. Todd, how many  
7 years have you worked in your current position?

8 THE WITNESS: Jaydot's existed as a  
9 business since 2010.

10 MR. BLANCHARD: And I'm sorry, again,  
11 what is Jaydot's relationship with --

12 THE WITNESS: So we have a contract  
13 with Community Solutions. In fact, I was  
14 involved in the development of this project  
15 before Community Solutions was a party to it.

16 Community Solutions is a non-profit  
17 501(c)(3) organization that's the majority owner  
18 of the building. Community Solutions came into  
19 the building after it had been already underway.  
20 I had previously been involved in the development  
21 and organization of it through my position at  
22 Catholic Charities, which was through 2010.

23 MR. BLANCHARD: And could you describe  
24 to the Board, the process that you went through  
25 to locate and open the Conway residence at 1005

1 North Capitol?

2 THE WITNESS: Sure, and should I  
3 direct this to you or to the Board?

4 MR. BLANCHARD: Either.

5 THE WITNESS: Okay.

6 CHAIRPERSON ANDERSON: You're  
7 addressing us as well, sir.

8 THE WITNESS: Okay. So this building  
9 grew out of a desire from the District Government  
10 and the Federal Government to do something  
11 significant about veterans homelessness. At the  
12 time that the first conversations about this  
13 building were underway, which, in my memory, is  
14 2008, the District of Columbia had the highest  
15 percentage or one of, if not the, highest  
16 percentage of homeless veterans in the country.

17 Veterans were disproportionately  
18 represented in the homeless community. There  
19 were a number of initiatives, both federally and  
20 locally, to work to combat that. And this  
21 building was -- it came out of that, with the  
22 then Mayor, and some of the philanthropic  
23 community wanting to make a significant impact.

24 My memory is that the number of  
25 homeless veterans at that time in the District of

1 Columbia was 700 or 800, it's now down to about  
2 200, but when this effort started, there was an  
3 emphasis and an opportunity through some funding  
4 initiatives, both locally and federally, to do  
5 something significant to house veterans who were  
6 homeless.

7 In terms of identifying the site, this  
8 was a coordinate effort with the Deputy Mayor for  
9 Planning and Economic Development's Office to  
10 identify a location that was District only, and  
11 which this site is, and there were a number of  
12 sites that were presented as possibilities, and  
13 this was a conversation between the philanthropic  
14 partners and the District Government, on a site  
15 that would be located in a core area, close to  
16 transportation, ideally, not that far from the VA  
17 Medical Center, and that it would be in proximity  
18 to stores and community opportunities.

19 Really, not -- and something that,  
20 particularly given who the population was  
21 targeted to, which was older veterans, that it be  
22 very accessible for them to get to and from,  
23 particularly, to the VA Medical Center.

24 So that site was identified based on  
25 that thinking, in particular, this site was

1 honed-in on in work with the Deputy Mayor's  
2 Office, because of the location next to a church  
3 that was on the historic registry, and, you know,  
4 the presumption at the time was that would  
5 continue to be a church and that the use was  
6 fairly well known.

7 And then on the other side, the  
8 northern side, was a building owned by Kaiser  
9 Permanente that has a long history for them  
10 providing direct services.

11 So this location was small, 9000  
12 square feet, but it was located in an area that  
13 seemed to fit what was the desire of doing  
14 something centrally located and that would fit  
15 into the fabric of what else was going on in that  
16 block.

17 MR. BLANCHARD: Thank you, Mr. Todd.  
18 You mentioned the VA hospital, how do the  
19 residents of the Conway Residence Building get to  
20 the VA hospital?

21 THE WITNESS: Well, there will be, I  
22 think, others that you're talking to that can  
23 describe that, it is literally a mile up the  
24 street on North Capitol Street, and the VA  
25 caseworkers are based in the building, and often,

1 they can coordinate driving to and from that.

2 If a veteran was so inclined, there's  
3 bus stop, literally, right in front of the  
4 building, so those are the main ways.

5 MR. BLANCHARD: Also, is there a nurse  
6 that's on the staff there?

7 THE WITNESS: There has been a nurse  
8 on the staff. At the end of the fiscal year, the  
9 federal fiscal year, the funding for that ended,  
10 as far as we know, or at least temporarily. We  
11 have been talking about that.

12 It's apparently in the VA's budget for  
13 this coming -- this current fiscal year, but it's  
14 an October to September year, and so she worked  
15 to September 30th and we're hoping that she comes  
16 back soon.

17 MR. BLANCHARD: Thank you. And how  
18 did you find out about this Town 2.0 license  
19 application?

20 THE WITNESS: I saw tweets about it  
21 and then I read about it in the Washington Post.

22 MR. BLANCHARD: Okay. And did you  
23 have any meetings with the Applicant?

24 THE WITNESS: I met with John after we  
25 saw the notice and I reached out to Drew, the ANC



1 Commissioner, to say we read about this in the  
2 Post and we saw the tweets, so, you know, I don't  
3 know who the owner is.

4 So Drew connected John and I. John  
5 and I met at the site, which was, maybe, a week  
6 and a half or two weeks after we'd seen the note,  
7 or the placards went up, and so saw John at the  
8 two ANC meetings, and then John came to the  
9 building and talked to me and a number of  
10 community members.

11 MR. BLANCHARD: And has the Applicant  
12 sent you a copy of any settlement agreement,  
13 draft settlement agreement?

14 THE WITNESS: I am not aware of that.

15 MR. BLANCHARD: Okay. And from the  
16 perspective, your perspective, as representing  
17 the owner/operator of the Conway Residence, what  
18 impact will a proposed operation of the Town 2.0  
19 nightclub have on the building and the programs  
20 that you run in the future?

21 THE WITNESS: So the main concern for  
22 us was the hours of operation and the noise. Our  
23 building was intentionally designed to be very  
24 open, meaning that the windows are open so that  
25 the fresh air could come in, and so the noise and

1 the hours was a particular concern for us.

2 Given the proximity of the church,  
3 which is literally lot line to lot line on the  
4 building --

5 MR. BLANCHARD: Can I show you this?  
6 Let me interrupt you for one second. Can I show  
7 you Plaintiff's Exhibit P1? Can you tell me what  
8 that is?

9 (Whereupon, the document referred to  
10 was marked as Plaintiff's Exhibit 1 for  
11 identification.)

12 THE WITNESS: Okay. So the portion  
13 that you've circled on this is --

14 MR. BLANCHARD: No, what is the  
15 document?

16 THE WITNESS: Oh, I'm sorry. It's the  
17 ALTA Survey.

18 MR. BLANCHARD: And that ALTA Survey  
19 was what?

20 THE WITNESS: My memory is, the ALTA  
21 was done for the project to show the lot lines  
22 for the survey purposes as the building was  
23 built.

24 MR. BLANCHARD: Thank you. And  
25 without objection, I'd like to enter this as

1 Exhibit 1.

2 MR. O'BRIEN: No objection.

3 CHAIRPERSON ANDERSON: So moved.

4 (Whereupon, the document previously  
5 marked as Plaintiff's Exhibit 1 for  
6 identification was received into evidence.)

7 MR. BLANCHARD: And then, finally, I  
8 want to show you Plaintiff's Exhibit P4, which is  
9 actually four photographs put together. And can  
10 you tell me, do these photographs look familiar  
11 to you?

12 (Whereupon, the document referred to  
13 was marked as Plaintiff's Exhibit 4 for  
14 identification.)

15 THE WITNESS: They do.

16 MR. BLANCHARD: Do you know who took  
17 these photographs?

18 THE WITNESS: I took them.

19 MR. BLANCHARD: Thank you. Can you  
20 tell me what they show?

21 THE WITNESS: Sure. 4A is on the 5th  
22 floor terrace of the Conway building facing east.  
23 That shows that the -- I'm not sure what you  
24 would call that piece of the church, but it's  
25 actually over the lot line, so during the course

1 of the design, the building, the Conway building,  
2 was actually pulled back a little bit from the  
3 lot line to account for the fact that the  
4 cornice, I guess it's the cornice, is what you  
5 would call that, of the church is over the lot  
6 line.

7 So our building, when you look at it  
8 from the front, has pulled back that portion to  
9 account for the church's structure.

10 4B is from the same spot, which is on  
11 the southern end of our building, the northern  
12 end of the church building, looking -- I'm sorry,  
13 the other one was looking west, this is looking  
14 east, towards the U-Haul lot, and that shows  
15 there's -- when I took this photo, the building  
16 owner has -- the building owner of the church,  
17 has scaffolding setup for power washing, so the  
18 scaffolding there between the gutter of the  
19 church, which is on the right side, and then the  
20 Conway building, which is on the left.

21 4C is at the ground level. That is,  
22 again, looking east. It shows the church  
23 building is on the right and the Conway building  
24 is on the left. We're looking out and if you're  
25 looking back at the ALTA Survey, by agreement

1 with the then church owners, the southern-most  
2 portion of the Conway building was left as an  
3 open-air space so that there would be access to  
4 the church owners to bring scaffolding in, so  
5 that's why there's an open area there, but the  
6 building line is what you see at the top of the  
7 photo.

8 MR. BLANCHARD: So above grade, how  
9 far are the buildings apart; approximately?

10 THE WITNESS: It's inches. I mean, my  
11 memory on the design was that it was  
12 intentionally not put wall-to-wall because the  
13 church was on the historic registry, there was  
14 concern of doing it directly to wall would  
15 potentially create some risk for the church, and  
16 also, if the church wanted to redo the brick,  
17 they would have enough room to be able to do it  
18 from inside their building, but not be pushing up  
19 against the wall.

20 So that was -- I'm not the architect,  
21 but I was involved in those conversations and  
22 remember that there was discussion about going to  
23 wall-to-wall, and the reason was, pull it back.

24 MR. BLANCHARD: And then back to P4A,  
25 what is that on the -- on your building side? Is

1 that a patio?

2 THE WITNESS: Yes, it's a terrace on  
3 the 5th floor. The architect intentionally  
4 opened the space up of the building, and I don't  
5 know if there was a previous exhibit that showed  
6 the facade of the building, but the architect  
7 intentionally designed a terrace on the 5th floor  
8 so as not to overwhelm the steeple of the church.

9 So the building actually pulls back  
10 and if you're looking at that terrace level, it's  
11 aligned with the triangle of the church so that  
12 if you were coming up North Capitol Street, or  
13 coming down North Capitol Street, that you did  
14 not have a structure immediately adjacent to it  
15 looming over the steeple.

16 MR. BLANCHARD: Thank you. And do  
17 your residents use this patio?

18 THE WITNESS: The residents do not use  
19 this patio. It's open and available for use, but  
20 we have, essentially, used this for either  
21 special occasions or the manager's unit for the  
22 building is immediately adjacent to that, so it  
23 is open and, I mean, it could be open and  
24 available, but that has not been the purpose for  
25 that.

1 MR. BLANCHARD: Okay. All right.

2 Thank you.

3 THE WITNESS: Thanks.

4 CHAIRPERSON ANDERSON: Your witness,  
5 sir.

6 MR. O'BRIEN: Thank you. Mr. Todd.

7 THE WITNESS: Yes.

8 MR. O'BRIEN: I'd ask you to --  
9 there's a binder in front of you, I'd ask you to  
10 leaf through it and find Page A-4E. Let me know  
11 when you have that handy, please.

12 THE WITNESS: Yes.

13 MR. O'BRIEN: All right. Would you  
14 agree with me that this depicts the church  
15 looking north and then with the residence behind  
16 it?

17 THE WITNESS: Yes.

18 MR. O'BRIEN: Now, how many stories is  
19 the residential building?

20 THE WITNESS: It's 14 stories.

21 MR. O'BRIEN: All right. Am I correct  
22 that the first three stories are not residential?  
23 They're office support.

24 THE WITNESS: Six units are on the 3rd  
25 floor. The 1st floor is not residential. The

1 2nd floor is offices. The 3rd floor has six  
2 units.

3 MR. O'BRIEN: Where on the 3rd floor  
4 are those six units?

5 THE WITNESS: There are four that are  
6 facing the windows on the west side of the  
7 building, facing North Capitol Street, there are  
8 two on the northern portion of the building, the  
9 windows for those face east.

10 MR. O'BRIEN: The northern portion of  
11 the building, that then would be the other side  
12 of the building from the church property.

13 THE WITNESS: Correct.

14 MR. O'BRIEN: Now, I see three  
15 stories, I'm still looking at the same exhibit,  
16 assuming that's 14, 13, and 12 coming down.

17 THE WITNESS: Yes.

18 MR. O'BRIEN: Okay. What is depicted  
19 in two shades of, what I would call, tan, below  
20 that?

21 THE WITNESS: That's just a concrete  
22 facade for the building. It is not windows.

23 MR. O'BRIEN: So does that facade,  
24 then, go down to the ground level?

25 THE WITNESS: It does. Well, it goes



1 down -- that facade goes all the way down to the  
2 ground -- well, it actually goes down to the  
3 bottom of the 1st floor, because that breezeway  
4 that I was describing before ends at the ground  
5 level.

6 MR. O'BRIEN: Okay. So this, I think  
7 you characterized it as a facade?

8 THE WITNESS: Yes.

9 MR. O'BRIEN: Okay. What is it made  
10 of?

11 THE WITNESS: I think it's CPU or it's  
12 brick. I'm not actually -- some of it might be  
13 siding. I am not the designer or architect, but  
14 --

15 MR. O'BRIEN: Yes, I'm sorry, I don't  
16 know what CPU means.

17 THE WITNESS: Basically, concrete  
18 block. I think it's brick. I don't know the  
19 answer to that.

20 MR. O'BRIEN: All right. But going up  
21 from the 2nd floor, which are offices, we go to  
22 the 3rd floor, although, there's some residents  
23 there, they're not directly up against the church  
24 property, correct?

25 THE WITNESS: The residents are up

1       against the church property starting on the 4th  
2       floor. There's not windows on that side, though.

3               MR. O'BRIEN: Okay. But then from the  
4       4th floor up through the 11th floor, is a solid  
5       masonry wall.

6               THE WITNESS: Right.

7               MR. O'BRIEN: That's correct.

8               THE WITNESS: On the southern side of  
9       the building, correct.

10              MR. O'BRIEN: On the church side of  
11       the building, correct?

12              THE WITNESS: Correct.

13              MR. O'BRIEN: Those are my questions.

14              CHAIRPERSON ANDERSON: Any questions  
15       by the Board Members? Yes, Mr. Short.

16              MEMBER SHORT: Hello, Mr. Todd.

17              THE WITNESS: Hi.

18              MEMBER SHORT: How are you, Mr. Todd?

19              THE WITNESS: Good. Thank you.

20              MEMBER SHORT: Good afternoon still.

21       Can someone provide Mr. Todd with A1 and A4 out  
22       of the black binder?

23              MR. O'BRIEN: He has the entire binder  
24       in front of him.

25              MEMBER SHORT: I want him to go to A1.

1 THE WITNESS: Yes.

2 MEMBER SHORT: Yes, sir. Mr. Todd,  
3 you were talking about cornices and other things,  
4 what do you see midway in that picture next to  
5 your building?

6 THE WITNESS: Next to the building, so  
7 --

8 MEMBER SHORT: The church. What is  
9 the church? What's showing in that picture?

10 THE WITNESS: So the church is showing  
11 -- the roof there is the flat roof, what we  
12 didn't have a picture of, at least in my  
13 testimony, is, this picture is taken from the 3rd  
14 floor terrace, so the 3rd floor -- the building  
15 is pulled back from the lot line, and on the 3rd  
16 floor, there's a terrace, from this terrace, so  
17 this is looking west from that.

18 The church building itself is what's  
19 in the photo here. At the top, on the side,  
20 there's a two-story structure that's connected to  
21 the church, so this is looking out on the roof  
22 that's --

23 MEMBER SHORT: Okay. Thank you. Your  
24 description is perfect.

25 THE WITNESS: Okay.

1                   MEMBER SHORT: Mr. Todd, how long has  
2 that church been vacant? To your knowledge. Was  
3 it vacant when you built your building?

4                   THE WITNESS: It was not. We spent a  
5 lot of time with the church leaders leading up to  
6 the construction of the --

7                   MEMBER SHORT: How many years ago was  
8 that?

9                   THE WITNESS: I believe they were in  
10 there until 2016. I know the church was sold, or  
11 at least it was publicly announced that it was  
12 sold, in 2017, but we were in contact with the  
13 church leaders, the Deacon --

14                  MEMBER SHORT: Well, I don't want to  
15 waste a lot of time --

16                  THE WITNESS: 2016.

17                  MEMBER SHORT: -- so what I want to  
18 say to you, if this building, which vacant, with  
19 no kind of fire alarm system, no nothing, and I  
20 know you know, probably, there were a lot of  
21 vagrants going in and out of that building at one  
22 time, correct?

23                  THE WITNESS: I am aware of that.

24                  MEMBER SHORT: And vagrants normally  
25 set fire to keep theirselves warm in buildings

1 like that, don't they? They do. I can tell you.

2 THE WITNESS: Okay.

3 MEMBER SHORT: So if this building and  
4 church fires, with all that open space, they go  
5 quick, and they find air right where you see that  
6 cornice is turned away from the building. And  
7 your building wouldn't stand a chance.

8 There's not a lot the fire department  
9 could do because they'd have to go on top of your  
10 building and shoot water hose, and they would  
11 evacuate your building if there's a major fire  
12 there.

13 THE WITNESS: Yes.

14 MEMBER SHORT: So I'm just asking, in  
15 your opinion, if you have one, putting a brand  
16 new building there, all of the bells and whistles  
17 of public safety, would that be better than this?

18 THE WITNESS: Would it be better than  
19 --

20 MEMBER SHORT: Would it be better if  
21 -- would this building be -- a new building or a  
22 reconstructed building be better than having it  
23 vacant, like this, next to your building?

24 THE WITNESS: So I'm not sure I can  
25 answer that. The church is on the historic

1 registry and so that's --

2 MEMBER SHORT: But if it burns down,  
3 it doesn't make any difference whose registry  
4 it's on, and your building would be in danger, is  
5 that correct?

6 THE WITNESS: If it burned down?

7 MEMBER SHORT: Yes.

8 THE WITNESS: I imagine. Our building  
9 is fully sprinklered.

10 MEMBER SHORT: I'm saying that, have  
11 you ever seen a fire that big in a building like  
12 this?

13 THE WITNESS: I have not.

14 MEMBER SHORT: Sir, you don't want to.  
15 That's all I have, Mr. Chair.

16 CHAIRPERSON ANDERSON: Any other  
17 questions by any of the Board Members? Mr.  
18 O'Brien, any questions based on Mr. Short's  
19 question?

20 MR. O'BRIEN: No, sir.

21 CHAIRPERSON ANDERSON: Mr. Blanchard,  
22 any questions based on Mr. Short's question?

23 MR. BLANCHARD: Not on Mr. Short's  
24 questions.

25 CHAIRPERSON ANDERSON: Mr. Todd, thank

1 you very much for your testimony, sir. You can  
2 step down.

3 THE WITNESS: Thank you.

4 CHAIRPERSON ANDERSON: Do you have  
5 another witness?

6 MR. BLANCHARD: I do.

7 CHAIRPERSON ANDERSON: Who's that?  
8 You can step down, sir. You have no -- you're --  
9 thank you.

10 MR. BLANCHARD: Without objection, I'd  
11 like to submit those four photographs, P4A  
12 through D.

13 MR. O'BRIEN: Without objection.

14 CHAIRPERSON ANDERSON: So moved.  
15 Who's your next witness, sir?

16 (Whereupon, the document previously  
17 marked as Plaintiff's Exhibit 4 for  
18 identification was received into evidence.)

19 MR. BLANCHARD: I would like to call  
20 Michael Dehart.

21 CHAIRPERSON ANDERSON: Michael who?

22 MR. BLANCHARD: Michael Dehart, D-E-H-  
23 A-R-T. And while we're waiting for Mr. Dehart,  
24 I'd like to offer into the record, Exhibit P5.  
25 That's a copy of his resume.

1 (Whereupon, the document referred to  
2 was marked as Plaintiff's Exhibit 5 for  
3 identification.)

4 MR. O'BRIEN: No objection.

5 CHAIRPERSON ANDERSON: So moved. Mr.  
6 Hart?

7 (Whereupon, the document previously  
8 marked as Plaintiff's Exhibit 5 for  
9 identification was received into evidence.)

10 MR. DEHART: Michael Dehart. Yes.

11 CHAIRPERSON ANDERSON: Mr. Dehart.  
12 Okay. Not Mr. Hart. Mr. Dehart. Okay. Raise  
13 your right hand, sir.

14 WHEREUPON,

15 MICHAEL DEHART

16 was called as a witness by Counsel for the  
17 Protestant and, having been first duly sworn,  
18 assumed the witness stand, was examined and  
19 testified as follows:

20 CHAIRPERSON ANDERSON: All right.  
21 Have a seat. Your witness, Mr. Blanchard.

22 MR. BLANCHARD: Thank you.

23 CHAIRPERSON ANDERSON: And so Mr.  
24 Dehart has been presented as an expert?

25 MR. BLANCHARD: Yes, I'd like to



1 present him as an expert.

2 CHAIRPERSON ANDERSON: And what's the  
3 area?

4 MR. BLANCHARD: In social work,  
5 counseling.

6 CHAIRPERSON ANDERSON: Mr. --

7 MR. O'BRIEN: I'd like to see a  
8 foundation laid before he's --

9 CHAIRPERSON ANDERSON: All right. So  
10 can you -- all right, so --

11 MR. BLANCHARD: Mr. Dehart, can you  
12 briefly describe your -- I just offered your  
13 resume, which I'm sure you're familiar with.

14 THE WITNESS: Sure. I am a little  
15 familiar with my own resume. Yes.

16 MR. BLANCHARD: Could you briefly  
17 describe your education and experience?

18 THE WITNESS: Sure. So I have a  
19 Master's in Social Work from Catholic University.  
20 I'm currently an LGSW licensed in Washington,  
21 D.C. I have ten years experience at Community  
22 Connections, Department of Behavioral Health core  
23 service agency.

24 The first two years were working as a  
25 rehab specialist with a lot of homeless people

1 with serious mental illness, a lot of addiction,  
2 substance abuse of one sort or another, a lot of  
3 homelessness, and then for the past eight years,  
4 I was in charge of a homeless veteran housing  
5 project that placed people out in community.  
6 That's called a scattered site program.

7 So I worked with a team of three case  
8 managers, helping people find places to live,  
9 identifying them first, helping them find places  
10 to live, and then maintain that place.

11 Many people who have been homeless,  
12 find it difficult to, sort of, move back into  
13 being housed and, sort of, figuring out the  
14 activities of daily life that will allow them to  
15 maintain those things.

16 For the last three months, I've been  
17 working as a psychotherapist over in Eastern  
18 Market. A number of my clients have substance  
19 abuse, and addiction, and trauma backgrounds.

20 And if you were to add a little bit to  
21 my area of expertise, it's in substance abuse and  
22 primarily trauma, and the ways that those two  
23 things interact with one another.

24 MR. BLANCHARD: And would trauma, Mr.  
25 Dehart, include PTSD?

1                   THE WITNESS: Of course. Yes, that's  
2 one of the manifestations in, sort of, worst  
3 case. I'm aware that a number of veterans, in  
4 particular, living in the Conway building, and  
5 some of the people that I've worked with in my  
6 housing program, have PTSD.

7                   MR. BLANCHARD: Can you tell the Board  
8 what PTSD stands for?

9                   THE WITNESS: Post traumatic stress  
10 disorder.

11                  MR. BLANCHARD: Thank you. And have  
12 you testified before?

13                  THE WITNESS: I have testified once  
14 before. I couldn't tell you the exact year. I  
15 testified at a subcommittee, in front of Patty  
16 Murray, about veteran homelessness on the Hill.

17                  MR. BLANCHARD: Is that Senator Patty  
18 Murray?

19                  THE WITNESS: Senator Patty Murray.  
20 Yes.

21                  MR. BLANCHARD: So that was a  
22 congressional hearing.

23                  THE WITNESS: Yes.

24                  MR. BLANCHARD: And it was on what  
25 topic?

1 THE WITNESS: Veteran homelessness.  
2 The program that I run, the ways in which  
3 homelessness has an impact on the lives of  
4 veterans, and the ways in which people in D.C.,  
5 in particular, but all over the country, are  
6 working to end veteran homelessness and help  
7 veterans who struggle, work their way back into  
8 society.

9 MR. BLANCHARD: Thank you. Mr. Chair,  
10 I would state that Mr. Dehart's comments are, on  
11 his background, sufficient to qualify him as an  
12 expert.

13 CHAIRPERSON ANDERSON: Mr. O'Brien?

14 MR. O'BRIEN: May I ask an expert in  
15 what?

16 CHAIRPERSON ANDERSON: It said social  
17 work, but I'm not sure.

18 MR. DEHART: Yeah, so trauma.

19 CHAIRPERSON ANDERSON: I'm sorry?

20 MR. DEHART: Trauma.

21 CHAIRPERSON ANDERSON: Trauma?

22 MR. BLANCHARD: Trauma counseling.

23 MR. DEHART: Trauma counseling.

24 CHAIRPERSON ANDERSON: I mean I guess  
25 -- where are we going with this witness? I don't

1 know, so maybe. But in trauma counseling so I'm  
2 not quite sure where we're going with this.

3 MR. BLANCHARD: Trauma counseling.

4 MR. DEHART: Right.

5 CHAIRPERSON ANDERSON: That's --

6 MR. DEHART: If I could add to the  
7 background, I ran a group called M-TREM, Male  
8 Trauma Recovery Model for D.C. residents, male,  
9 who had experienced trauma in their lives.  
10 Family trauma, trauma in communities, some of  
11 that are in -- some of them had been in and out  
12 of the prison system. Some of them had been  
13 homeless.

14 And trauma being experiences that  
15 overwhelm one's developed ability to cope with  
16 something. Trauma being, yes, the overwhelming  
17 of one's natural coping mechanisms leading to  
18 triggered behavior which often included, again,  
19 substance abuse, being retraumatized by a variety  
20 of experiences depending on the person and  
21 depending on what their background had been.

22 Trauma encompassing both emotional  
23 abuse, verbal abuse, physical abuse, and  
24 sometimes sexual abuse, or often a combination of  
25 all three of those things. So I help men

1 recovering from those kinds of experiences build  
2 new defenses and be able to hold down jobs, be  
3 able to move out of homelessness which often  
4 accompanies that for a particular social economic  
5 class of people.

6 CHAIRPERSON ANDERSON: Mr. O'Brien?

7 MR. O'BRIEN: May I voir dire?

8 MR. BLANCHARD: Sure.

9 MR. O'BRIEN: It's Mr. Dehart,  
10 correct?

11 MR. DEHART: Yes.

12 MR. O'BRIEN: Not doctor?

13 MR. DEHART: Not doctor, no.

14 MR. O'BRIEN: You're not a  
15 psychiatrist?

16 MR. DEHART: I'm not a psychiatrist,  
17 no.

18 MR. O'BRIEN: And you're not a  
19 psychologist.

20 MR. DEHART: I'm not.

21 MR. O'BRIEN: Okay.

22 MR. DEHART: Social worker.

23 MR. O'BRIEN: Is trauma counseling  
24 itself a recognized discipline?

25 MR. DEHART: There are a variety of

1 interventions that are recognized as evidence-  
2 based practices, yes.

3 MR. O'BRIEN: Okay. My question  
4 specifically was is trauma counseling a  
5 recognized discipline?

6 MR. DEHART: Recognized by --

7 MR. O'BRIEN: By any --

8 MR. DEHART: -- whom?

9 MR. O'BRIEN: -- like governing body,  
10 licensing body?

11 MR. DEHART: No. It's not, in and of  
12 itself. Again, specific interventions are  
13 recognized. The one that I administered at  
14 Community Connections was recognized by NIH as an  
15 evidence-based practice.

16 MR. O'BRIEN: Trauma counseling?

17 MR. DEHART: No, M-TREM, the M-TREM  
18 model.

19 MR. O'BRIEN: I'm sorry, I don't  
20 understand.

21 MR. DEHART: And I'm not -- well, I  
22 just described the M-TREM model which was a men's  
23 trauma recovery group. So that was recognized as  
24 an evidence-based practice.

25 MR. O'BRIEN: Do you know of anybody

1 else who has ever qualified as an expert in  
2 trauma counseling?

3 MR. DEHART: Do I personally?

4 MR. O'BRIEN: Yes.

5 MR. DEHART: No.

6 MR. O'BRIEN: Have you ever testified  
7 as an expert witness -- well, let me go back  
8 step. We understood that you testified before a  
9 Senate committee. Have you ever testified as an  
10 expert witness before a court?

11 MR. DEHART: I have not.

12 MR. O'BRIEN: Have you ever testified  
13 as an expert witness before an administrative  
14 body that hears contested cases?

15 MR. DEHART: I have not. The only  
16 other time I testified was in front of Ms.  
17 Murray's subcommittee.

18 MR. O'BRIEN: Mr. Chair, I object to  
19 his qualifications as an expert because I think  
20 the supposed field of expertise is quite elusive.  
21 And I believe that the witness has conceded that  
22 it is not a recognized field, trauma counseling.  
23 So I don't think there's been a sufficient  
24 foundation laid here.

25 CHAIRPERSON ANDERSON: Where I am is



1 that I'm trying to find where we're going with  
2 this witness, so, yes, we can have a witness on  
3 trauma counseling. But I don't know where we're  
4 going with this witness. I mean can -- maybe  
5 what is it that this witness will be testifying  
6 to? I mean this is an ABC -- this is to grant an  
7 ABC license, and so even if he has a  
8 qualification to be an expert in trauma, where  
9 are we going with this? Can you give me two  
10 minutes of what is it that he is supposed to  
11 testify to?

12 MR. BLANCHARD: This witness is going  
13 to -- we'd like to call this witness to provide  
14 testimony as to his experience counseling  
15 homeless veterans similar to the residents of the  
16 Ker Conway House, the abutting property and the  
17 group of six. And then what -- the impact of  
18 having an ABC establishment right next door to  
19 those residents would have on their psychological  
20 -- on them just like any other person that lives  
21 nearby an ABC establishment.

22 What we're trying to show is that the  
23 residents that comprise the group of six have  
24 special characteristics that make them more  
25 susceptible to siting an ABRA establishment right

1 next door.

2 CHAIRPERSON ANDERSON: I mean that's  
3 -- I don't see how -- I don't see how this  
4 witness could testify to that. I mean I don't  
5 see how this -- I don't see how this witness  
6 could testify to that fact. I mean I think one  
7 of the things I heard was that one of the reasons  
8 why the residents were placed at this particular  
9 location is that we want them to be in the  
10 vicinity of businesses. I mean I think I kind of  
11 heard that. You need public transportation and  
12 other amenities of a neighborhood. I mean I can  
13 see if we're talking about -- and has he worked  
14 with any of the residents in the current  
15 building?

16 MR. BLANCHARD: Yes, he has.

17 MR. DEHART: I have. I was weekly  
18 presenced there for over a year and case managed  
19 two of the residents.

20 CHAIRPERSON ANDERSON: I mean I'm not  
21 going to agree to the designation as an expert in  
22 trauma. I don't have sufficient information to  
23 signify that I can give him that expertise. I  
24 mean I can allow him to testify and the Board  
25 will take that information for whatever it's

1 worth, and in cross-examination, Mr. O'Brien, you  
2 can. But I don't really have enough information  
3 and in that background that I'm going to state  
4 that he's an expertise in that area. But --

5 MR. BLANCHARD: Okay.

6 CHAIRPERSON ANDERSON: -- he can  
7 testify and we can take --

8 MR. BLANCHARD: I mean after today he  
9 will be.

10 CHAIRPERSON ANDERSON: I'm sorry?

11 MR. BLANCHARD: I'm sorry, Your Honor,  
12 to interrupt you.

13 CHAIRPERSON ANDERSON: Yes. I'm  
14 sorry. Yes.

15 MR. BLANCHARD: Maybe after this  
16 experience he can --

17 CHAIRPERSON ANDERSON: All right.  
18 Yes, so.

19 MR. BLANCHARD: -- use that for the  
20 next.

21 CHAIRPERSON ANDERSON: I mean he can  
22 testify and in cross-examination, Mr. O'Brien,  
23 you can go wherever you want to go with that.

24 MR. O'BRIEN: I have no problem with  
25 him testifying to facts.

1 CHAIRPERSON ANDERSON: Yes.

2 MR. O'BRIEN: But if it ventures into  
3 expressing an opinion, that's where the line is  
4 drawn.

5 CHAIRPERSON ANDERSON: Well, we'll --  
6 so I'm not -- well --

7 MR. O'BRIEN: I'll listen carefully  
8 and object at the appropriate time.

9 CHAIRPERSON ANDERSON: And I will give  
10 him because I don't know where we're going, so I  
11 will give him some -- he's a social worker, so as  
12 a social worker he says he has worked with -- was  
13 on site for a year. He has worked with residents  
14 in the building. I mean I think it's far field  
15 that having a -- I mean I can see noise, but --  
16 well, let's see where you're going with that.

17 DIRECT EXAMINATION:

18 BY MR. BLANCHARD:

19 Q So, Mr. Dehart, you said that -- have  
20 you treated residents of the Ker Conway Home?

21 A I have worked as a case manager with  
22 two particular residents, and have been part of  
23 full team meetings of workers in the building  
24 discussing residents in the building, and am  
25 familiar with some of the issues that they

1 present, and some of the ways in which addiction  
2 in particular affects their lives.

3 Q And how does addiction affect someone  
4 with a substance abuse problem?

5 A Okay. Well, my understanding, my  
6 belief is that trauma is typically the starting  
7 place for particularly people who have been  
8 homeless. Family trauma for the veterans, trauma  
9 of being in some sort of war theater, being in  
10 and out of one level of incarceration or another.

11 And one of the features of addiction  
12 and of trauma is the presence of cortisol which  
13 is a steroid hormone that is produced during  
14 traumatic events, and then during retriggering of  
15 traumatic events even if the event itself is  
16 over, situations that seem familiar enough that  
17 it is then released again.

18 And the cortisol elevates their  
19 susceptibility to substance abuse in great part  
20 because substance abuse is one of the defenses  
21 that people who struggled with trauma turn to in  
22 order to help them through difficult situations.

23 MR. O'BRIEN: Mr. Chair, I'm going to  
24 have to object to that. This sounds like the  
25 testimony of a medical doctor to me.

1                   CHAIRPERSON ANDERSON: I agree with  
2 you, and I'm still -- and I don't see the  
3 relevancy so far of this testimony to why we're  
4 here today. And so I mean this is an application  
5 for a license as a protest hearing. So I have to  
6 agree with Mr. O'Brien. So I don't see -- that  
7 testimony I'm not quite sure if it's helpful to  
8 making any decision moving forward.

9                   So I'm trying to see how we're going  
10 to tie whatever information we're going to get  
11 from the witness to why we're here today. So if  
12 you're going to ask questions, there has to be  
13 some tie. I mean tying into granting this  
14 license. I mean I'm going to say this witness  
15 doesn't any relevant testimony that would be  
16 helpful to the Board today.

17                  MR. BLANCHARD: Well, let me ask one  
18 other question.

19                  CHAIRPERSON ANDERSON: All right.

20                  BY MR. BLANCHARD:

21                  Q       Mr. Dehart, based on the people that  
22 you've treated at the Ker Conway House, what  
23 would the impact of granting -- the Board's  
24 granting a liquor license have on them?

25                  MR. O'BRIEN: I'm going to object.

1 He's asking the witness to express an opinion,  
2 and that's what experts do. Fact witnesses  
3 testify as to facts.

4 CHAIRPERSON ANDERSON: You are  
5 correct, Mr. O'Brien, and since I did not  
6 designate him an expert into trauma, maybe if you  
7 had put in a different area that you brought him  
8 as an expert, but not in -- so I'm going to  
9 sustain the objection.

10 MR. DEHART: So am I done?

11 MR. BLANCHARD: Thank you.

12 MR. DEHART: Okay, sure. Thank you.

13 CHAIRPERSON ANDERSON: Thank you, Mr.  
14 Dehart, for your time.

15 MR. DEHART: My pleasure.

16 CHAIRPERSON ANDERSON: Do you have  
17 another witness?

18 MR. BLANCHARD: I do.

19 CHAIRPERSON ANDERSON: And who's that  
20 please?

21 MR. BLANCHARD: How much time do I  
22 have left?

23 FEMALE PARTICIPANT: You've got  
24 another hour.

25 MR. BLANCHARD: I would like to call

1 Abraham Thompson.

2 CHAIRPERSON ANDERSON: How many more  
3 witnesses do you have after including Mr.  
4 Thompson?

5 MR. BLANCHARD: I have Mr. Thompson,  
6 Mr. Johnson, Michelle Smith.

7 CHAIRPERSON ANDERSON: So three?

8 MR. BLANCHARD: Jesse Jennings.

9 CHAIRPERSON ANDERSON: Four.

10 MR. BLANCHARD: Reverend Larry West.

11 CHAIRPERSON ANDERSON: Five.

12 MR. BLANCHARD: Mr. McKinnon.

13 CHAIRPERSON ANDERSON: And Mr.

14 McKinnon? And you have four?

15 MR. MCKINNON: I have four --

16 MR. BLANCHARD: He has three.

17 MR. MCKINNON: -- including myself.

18 MR. BLANCHARD: Including -- yes.

19 MR. MCKINNON: Including myself.

20 CHAIRPERSON ANDERSON: So nine more  
21 witnesses. All right.

22 MEMBER SHORT: He said he had ten at  
23 the beginning.

24 CHAIRPERSON ANDERSON: All right. All  
25 right. Do you have the time?



1 CHAIRPERSON ANDERSON: Is this Mr.  
2 Thomas?

3 MR. THOMPSON: Thompson.

4 CHAIRPERSON ANDERSON: Thompson, I  
5 apologize. Mr. Abram Thompson?

6 MR. THOMPSON: Yes, sir.

7 CHAIRPERSON ANDERSON: All right, can  
8 you get on the witness stand, please. Raise your  
9 right hand please. Do you swear or affirm to  
10 tell the truth and nothing but the truth?

11 MR. THOMPSON: Nothing but.

12 CHAIRPERSON ANDERSON: Thank you, sir.

13 WHEREUPON,

14 ABRAM THOMPSON

15 was called as a witness by Counsel for the  
16 Protestant and, having been first duly sworn,  
17 assumed the witness stand, was examined and  
18 testified as follows:

19 CHAIRPERSON ANDERSON: Your witness,  
20 Mr. Thompson.

21 DIRECT EXAMINATION

22 BY MR. BLANCHARD:

23 Q Mr. Thompson --

24 A Yes, sir.

25 Q -- where do you reside? Where do

1 you live?

2 A 1005 North Capitol Street.

3 MEMBER SHORT: Please speak into the  
4 microphone, Mr. Thompson. Pull up a little  
5 closer to the microphone.

6 A Apartment 1310, 1005 North Capitol  
7 Street.

8 Q And how did you come to live there?

9 A Being a part of a homeless veteran  
10 program, after 16 months of being homeless I  
11 ended up there, and it was the best thing that  
12 ever happened.

13 Q Thank you. And what does the Conway  
14 residence mean to you? Why is it the best  
15 thing?

16 A After working for 40 years and  
17 retiring and realizing that the amount of income  
18 that I received wasn't sufficient to pay my  
19 bills in Detroit, Michigan, sometime the  
20 electrical bill would be more than the money  
21 that I received. So I ended up here in  
22 Washington, D.C. and went through this procedure  
23 and ended up there at Conway Ville. So it's a  
24 God-send for me.

25 Q All right. Does the noise from the

1 Elevate Tavern ever bother you?

2 A Quite a bit. I lived 1310, 13th  
3 floor, my glass vibrates often when they have  
4 outside events.

5 CHAIRPERSON ANDERSON: Mr. Thompson,  
6 you're speaking to us, sir. You need to pull  
7 the microphone closer to you so we can hear. I  
8 know he's asking you the questions, but you're  
9 speaking to us. Okay, so pull the microphone  
10 closer to you, sir. Thank you. No, you can  
11 continue to speak.

12 A Yes. Well, I just answered the  
13 question he asked.

14 CHAIRPERSON ANDERSON: Okay. All  
15 right.

16 Q And what is your biggest concern  
17 about having a nightclub open next door?

18 A Well, my primary concern is the  
19 noise, the sound level. Twenty-six years as an  
20 entertainer myself, traveled throughout the  
21 country dealing with sound, began in the disco  
22 era. So I'm pretty sure the club would be a  
23 problem for me living on the 13th floor and  
24 working a job and getting the adequate sleep  
25 that I need to perform my job.

1                   And also the fact of being a  
2 recovering drug addict 22 years clean with the  
3 traffic, with the noise and other factors that  
4 goes along with club life. As I say, I was in  
5 the club myself. And my first addiction was  
6 selling drugs and I made a lot of money in  
7 clubs. So that's my personal outlook on it, you  
8 know?

9                   As a veteran myself and being a part  
10 of the Advisory Board on Homeless Veterans for  
11 the United States of America, being a member of  
12 that and traveling, being on the committee, our  
13 primary concern is recidivism. It takes away  
14 from our lifestyle because we tend to revert  
15 back to what we know.

16                   We just had a conference, and me  
17 being a Vietnam-era vet, I see a lot of my  
18 comrades leaving, and a lot of them leave as a  
19 result of going back to a lifestyle of drugs and  
20 alcohol. And it's --

21                   Q       And when you say leaving, what do  
22 you mean by that?

23                   A       Dying. Working at the VA hospital  
24 myself and dealing with a lot of people in the  
25 CLC, you know, we talk quite often -- as

1 veterans we talk quite often and --

2 Q And what is the CLC, I'm sorry?

3 A Community living center where a lot  
4 of veterans end up simply because they can't  
5 afford to live there. A lot of them were  
6 homeless. And as for myself, you know, it's  
7 very important for me to have a stable place to  
8 live to be comfortable. At 67 years old, I  
9 think I'm in the right place. I have no  
10 intentions of leaving. But it's --

11 Q I'm sorry to interrupt you. Do you  
12 have concerns about the way the concerns about  
13 acoustics in the church?

14 MR. O'BRIEN: Objection, leading.  
15 Objection, leading.

16 CHAIRPERSON ANDERSON: Mr.  
17 Blanchard?

18 MR. BLANCHARD: Yes.

19 CHAIRPERSON ANDERSON: Restate the  
20 question please.

21 BY MR. BLANCHARD:

22 Q What is it about a church and noise  
23 that bothers you?

24 A As I stated, I retired after 40  
25 years. My primary job over those 40 years

1 dealing with the clubs and setting up and  
2 building custom sound systems, installed the  
3 sound systems and putting together clubs  
4 together so I know it from the inside out. I  
5 know, me personally, where I live at it's going  
6 to affect me probably more so than a lot of  
7 people in the building because I live directly  
8 above it. I can look right down on the top of  
9 it. And I'm hoping that it don't, because  
10 really I can't afford to live anywhere else  
11 right now. So it's important to me.

12 Q Thank you, Mr. Thompson.

13 CHAIRPERSON ANDERSON: Have any  
14 other questions?

15 MR. BLANCHARD: No.

16 MR. O'BRIEN: No questions.

17 CHAIRPERSON ANDERSON: Any questions  
18 by any board members? Yes, Mr. Short.

19 MEMBER SHORT: Good afternoon, Mr.  
20 Thompson.

21 MR. THOMPSON: Yes, sir.

22 MEMBER SHORT: Thank you for your  
23 service to our country.

24 MR. THOMPSON: Thank you.

25 MEMBER SHORT: I'm sorry you had to

1 go through so much in life, but a lot of us have  
2 and some still are.

3 MR. THOMPSON: Yes, sir.

4 MEMBER SHORT: Can someone provide  
5 Mr. Johnson with A1 and A2 from the black  
6 binder?

7 MR. O'BRIEN: There's the binder in  
8 front of the witness.

9 MR. THOMPSON: And what am I looking  
10 for, sir?

11 CHAIRPERSON ANDERSON: Maybe someone  
12 --

13 MEMBER SHORT: Mr. Blanchard --

14 CHAIRPERSON ANDERSON: Mr.  
15 Blanchard, can you --

16 MEMBER SHORT: -- can you explain?

17 CHAIRPERSON ANDERSON: Can you help  
18 him please?

19 MR. BLANCHARD: So these photos, A1  
20 and A2, that he's referring to.

21 MR. THOMPSON: Yes, sir.

22 MEMBER SHORT: Mr. Thompson, how  
23 many years have you lived in 1005 North Capitol?

24 MR. THOMPSON: I'm one of the first  
25 persons that moved there, March 28th of 2017.

1 MEMBER SHORT: 2017. Great. Okay.

2 Now if you look at A1.

3 MR. THOMPSON: Yes, sir.

4 MEMBER SHORT: Did you have any idea  
5 that that building was in that kind of shape,  
6 that church?

7 MR. THOMPSON: Yes, sir, I noticed  
8 it when I first moved there simply because, like  
9 I say, that was my job, construction work.

10 MEMBER SHORT: Okay.

11 MR. THOMPSON: So I realized the  
12 condition of the building.

13 MEMBER SHORT: I'd like to just say  
14 this to you before I ask the next question.  
15 I've served the D.C. Fire Department, Fire and  
16 Emergency Medical Service Department for 33  
17 years.

18 MR. THOMPSON: Yes, sir.

19 MEMBER SHORT: And I can tell you as  
20 an expert at that, if this building catches on  
21 fire, the shape it's in --

22 MR. THOMPSON: Yes, sir.

23 MEMBER SHORT: -- and empty inside,  
24 and no fire alarm because that means the fire's  
25 going to be burning a long time because it



1 smokes comes out, and by the time that roof goes  
2 off, maybe nobody in your building will get out.

3 MR. THOMPSON: Right.

4 MEMBER SHORT: So would you think it  
5 would be safer for the veterans that live in  
6 your building to have this building redone with  
7 all of the fire equipment, all of the public  
8 safety stuff, sound. Everything done, a brand  
9 new building that's going to bring a lot of  
10 taxes to the city --

11 MR. THOMPSON: Yes, sir.

12 MEMBER SHORT: -- for one thing.

13 And I'm very familiar with this church. As a  
14 child, I went with my parents to visit this  
15 church.

16 MR. THOMPSON: Yes, sir.

17 MEMBER SHORT: And my children and  
18 grandchildren were educated across the street at  
19 the catholic schools over there. And it's very  
20 important to me that you as veterans be safe.

21 MR. THOMPSON: Yes, sir.

22 MEMBER SHORT: So, again, the  
23 question I'm going to ask you is would you  
24 prefer a building being redone with all the  
25 sound acoustics and all of the new modern stuff?

1 MR. THOMPSON: Yes, sir.

2 MEMBER SHORT: It probably wasn't  
3 around when you were doing it.

4 MR. THOMPSON: Oh, quite.

5 MEMBER SHORT: But they can quiet  
6 things down now. They build it into the  
7 building. So would you prefer it stay like  
8 this, or become productive, and maybe who knows,  
9 you might find yourself over there one day.

10 MR. THOMPSON: I would prefer for  
11 the building to be renovated because that's my  
12 passion. I love old stuff, you know?

13 MEMBER SHORT: Okay.

14 MR. THOMPSON: My primary job, I'm a  
15 master carpenter, so I love to redo stuff and  
16 make whole.

17 MEMBER SHORT: When you see this  
18 picture then, you know?

19 MR. THOMPSON: Yes, sir, I know  
20 exactly what that is.

21 MEMBER SHORT: How fast would that  
22 go up do you think?

23 MR. THOMPSON: I know the condition  
24 it's in.

25 MEMBER SHORT: And look at P2.

1 MR. THOMPSON: Yes, sir, the bricks  
2 are falling --

3 MEMBER SHORT: So let me -- if  
4 there's a major fire there, that building's  
5 likely to collapse.

6 MR. THOMPSON: Yes, sir.

7 MEMBER SHORT: And it get into the  
8 building you in and you'd have to get out of  
9 there.

10 MR. THOMPSON: Right.

11 MEMBER SHORT: Okay, Thank you, Mr.  
12 Thompson. That's all I have, Mr. Chair.

13 MR. THOMPSON: All right.

14 CHAIRPERSON ANDERSON: Any other  
15 questions by any of the board members? Hearing  
16 none. Any questions, Mr. O'Brien?

17 MR. O'BRIEN: No, sir.

18 CHAIRPERSON ANDERSON: Any final  
19 questions for him, Mr. Blanchard?

20 MR. BLANCHARD: No, sir.

21 CHAIRPERSON ANDERSON: Mr. Thompson,  
22 thank you very much for your testimony. You can  
23 step down.

24 MR. THOMPSON: Thank you.

25 CHAIRPERSON ANDERSON: Who's next?

1 MR. BLANCHARD: I'd like to call  
2 Calvin Johnson?

3 CHAIRPERSON ANDERSON: Calvin  
4 Johnson.

5 MEMBER SHORT: Is that a witness at  
6 the door?

7 CHAIRPERSON ANDERSON: No.

8 MR. BLANCHARD: That is a witness.

9 MR. O'BRIEN: Yes, that is a  
10 witness.

11 CHAIRPERSON ANDERSON: Well --

12 MR. O'BRIEN: He's just getting  
13 impatient.

14 CHAIRPERSON ANDERSON: Now what's his  
15 name, I'm sorry?

16 MR. BLANCHARD: Calvin Johnson.

17 CHAIRPERSON ANDERSON: Mr. Johnson.

18 MR. BLANCHARD: Right here? Mr.  
19 Johnson?

20 CHAIRPERSON ANDERSON: Hold on, hold  
21 on.

22 MR. BLANCHARD: Oh, yeah, why don't  
23 you catch your breath?

24 MR. JOHNSON: Yes

25 MR. BLANCHARD: Why don't you catch

1 your breath before we ask you --

2 CHAIRPERSON ANDERSON: No, I need to  
3 swear him in first. I was just waiting for him -  
4 -

5 MR. BLANCHARD: oh, YES.

6 MR. JOHNSON: I'm good.

7 CHAIRPERSON ANDERSON: -- to get  
8 himself together.

9 MR. JOHNSON: I'm all right.

10 CHAIRPERSON ANDERSON: Can you raise  
11 your right hand, sir? Do you swear or affirm to  
12 tell the truth and nothing but the truth?

13 MR. JOHNSON: Most certainly do, yes.  
14 WHEREUPON,

15 CALVIN JOHNSON  
16 was called as a witness by Counsel for the  
17 Protestant and, having been first duly sworn,  
18 assumed the witness stand, was examined and  
19 testified as follows:

20 CHAIRPERSON ANDERSON: Thank you. So  
21 pull in the microphone close to you, sir.

22 MR. JOHNSON: Okay. I'll move up.

23 CHAIRPERSON ANDERSON: All right.

24 Your witness, Mr. Blanchard.

25 DIRECT EXAMINATION

1 BY MR. BLANCHARD:

2 Q Mr. Johnson, where do you reside?

3 A 1005 North Capitol Street Northeast,  
4 Apartment 905.

5 Q Thank you. And how long have you  
6 lived there?

7 A I've been there since February of this  
8 year.

9 Q All right. And how did you come to  
10 live there?

11 A All right. I came there by way of the  
12 VA. The VA has a program there at the apartment  
13 building where a number of the apartments are for  
14 homeless veterans. I was homeless prior to going  
15 to 1005. And they have a number of units  
16 available just for homeless veterans. And I  
17 initially got wind of the program through CRRC  
18 located at 15th and Franklin Street which is a  
19 community resource and rehabilitation center  
20 which is for veterans.

21 Q Got it. And what does living there  
22 mean to you?

23 A Oh, it means me getting my life back  
24 together and all. I've had problems in my life  
25 with alcoholism, drugs. And by dealing with the

1 VA, I was given the opportunity to get my life  
2 back together.

3 Q Got it. And does the Conway residence  
4 offer any services to the residents who live  
5 there?

6 A Yes. I feel the building is a special  
7 building because the VA has a footprint there.  
8 They have social workers and a nurse that's on  
9 duty. They're at the building to assist the  
10 veterans with whatever problems. Plus they have  
11 activities that go on there at the building to  
12 occupy the veterans' time and all that to keep  
13 them active within the community.

14 Q Got it. And what would having a  
15 nightclub open next door, how would that impact  
16 you?

17 A Well, no doubt you've already heard as  
18 far as the sound, the traffic, and the other  
19 things that go along with a club. My biggest  
20 thing is my sobriety and the temptation of having  
21 the club so close to me right beside me. And I  
22 know there's other veterans that have similar  
23 problems. They at the building as far as trying  
24 to maintain their sobriety and all.

25 They already have the Club Elevate and

1 the unit block which is basically direct -- it's  
2 not directly across from where they will start  
3 the club, but it's middle of the block, and that  
4 was close, and that's close enough that's another  
5 temptation.

6 Q What's the name of that?

7 A That's K Street, it's 15th and K  
8 Street.

9 Q Thank you. And does Elevate get  
10 noisy?

11 A Yeah. I'm not out there that often.  
12 So for certain parts of the building, it probably  
13 is, but I don't get the full thing of, you know,  
14 of Club Elevate.

15 Q Right, right. What time do you  
16 typically go to sleep at night?

17 A I try to be in before dark, and I try  
18 to be into bed by 9 o'clock if at all possible.

19 Q All right.

20 A Depending on what I want to watch on  
21 TV.

22 Q Thank you. Those are all my  
23 questions.

24 CHAIRPERSON ANDERSON: Mr. O'Brien?

25 CROSS EXAMINATION



1 BY MR. O'BRIEN:

2 Q Mr. Johnson, your concern is  
3 temptation from --

4 A Yeah, part of it, yes.

5 But like I say --

6 Q -- to interfere with --

7 A -- traffic and noise and the things  
8 that go along basically with a club because even  
9 though I'm older, I remember those days when I  
10 did party and what went on, you know?

11 Q Okay. But if I understood you  
12 correctly, you said your concern is about  
13 temptation, interfering with your sobriety.

14 A Yes.

15 Q Okay.

16 A That's one of them.

17 Q Okay. Have you been to Club Elevate  
18 yourself?

19 A No. I stay away from temptation.  
20 Same thing I don't go to a liquor store.

21 Q All right. Thank you very much.

22 A Okay.

23 Q Those are my questions.

24 CHAIRPERSON ANDERSON: I'm sorry. Any  
25 questions by any board members? Mr. Johnson,

1 thank you very much for your testimony, you can  
2 step down, sir.

3 MR. JOHNSON: All right. Thank you  
4 for your time.

5 CHAIRPERSON ANDERSON: Thank you, sir.  
6 Do you have another witness?

7 MR. BLANCHARD: I do.

8 CHAIRPERSON ANDERSON: Who's that?

9 MR. BLANCHARD: I'd like to call  
10 Michelle Smith.

11 CHAIRPERSON ANDERSON: Are you  
12 Michelle Smith, ma'am?

13 MS. SMITH: Yes, I'm Michelle Smith.

14 CHAIRPERSON ANDERSON: Can you raise  
15 your right hand please. Well, no, when you get  
16 to the box.

17 MS. SMITH: Okay.

18 CHAIRPERSON ANDERSON: Do you swear or  
19 affirm to tell the truth and nothing but the  
20 truth?

21 MS. SMITH: Yes.

22 WHEREUPON,

23 MICHELLE SMITH

24 was called as a witness by Counsel for the  
25 Protestant and, having been first duly sworn,

1 assumed the witness stand, was examined and  
2 testified as follows:

3 CHAIRPERSON ANDERSON: Have a seat and  
4 pull the microphone --

5 MS. SMITH: Or help me God.

6 CHAIRPERSON ANDERSON: -- close to  
7 you, ma'am.

8 MS. SMITH: Okay, sorry about that.  
9 Okay.

10 DIRECT EXAMINATION

11 BY MR. BLANCHARD:

12 Q Ms. Smith, can you tell us where you  
13 live?

14 A 1005 North Capitol Street Northeast,  
15 Apartment 1105.

16 Q And how long have you lived there?

17 A Since December the 15th, 2015.

18 Q And how did you come to live at the  
19 Conway Residence?

20 A My case manager found me the  
21 apartment. I was homeless.

22 Q All right. And what does living at  
23 the Conway Residence mean to you?

24 A That's home. That's all I got.

25 Q And are you a veteran?

1           A       No. I was homeless at the time and I  
2 didn't have a place to live, and that became my  
3 first home.

4           Q       All right. And can I ask how old are  
5 you?

6           A       Forty-eight.

7           Q       Okay. And when do you usually go to  
8 sleep?

9           A       Between 8:30, 9 o'clock.

10          Q       Does the noise from the tavern across  
11 the street, Elevate --

12                   MR. O'BRIEN: Objection, leading.

13          Q       Does any noise bother you in the  
14 evenings?

15          A       Only when the open the club across the  
16 street. That's the only loudest sound we have  
17 like that in the neighborhood.

18          Q       And do you ever go outside?

19          A       Yes. We have a patio on the third  
20 floor where we go outside and smoke our  
21 cigarettes because we can't smoke in the  
22 building.

23          Q       And how many people -- what percentage  
24 of the residents of the building smoke?

25          A       Oh, wow, about 80 percent of us come

1 outside to smoke a cigarette.

2 Q And so what would having a nightclub  
3 open right next door mean to you? What impact  
4 would it have on you?

5 A It's not good. It's not good. People  
6 like me at -- I was also under the mental  
7 facility.

8 Q What is that?

9 A I had a breakdown, and you never know  
10 what the outcome of how someone else is going to  
11 react, and they might snap at any time.  
12 Everybody's there and they're going through  
13 different things. So I can't say if this person  
14 had a breakdown or if something dramatic  
15 happened, but you never know because somebody can  
16 snap at any time.

17 Q Thank you, Ms. Smith.

18 A You're welcome.

19 MR. O'BRIEN: No questions.

20 CHAIRPERSON ANDERSON: Any questions  
21 by any board members? Yes, Mr. Short?

22 MEMBER SHORT: Again --

23 MS. SMITH: Excuse me, can I say  
24 something? Just real quick?

25 CHAIRPERSON ANDERSON: What is that,

1 ma'am?

2 MR. BLANCHARD: In relation to what?

3 MS. SMITH: To the club being there?

4 We're trying to stay as calm and focused on the  
5 things that we need to do for ourselves  
6 personally. And that club being there going to  
7 set a lot of people back to where they might  
8 start drinking or doing drugs again.

9 And I'm a woman, so I have to come out  
10 sometimes and go and spend time with my  
11 grandkids. I don't need to have to add on to  
12 that as to if somebody's going to harm me, you  
13 understand, because I feel as though if -- even  
14 if it was me, somebody else's mother or  
15 grandmother that lives in that building, they  
16 might get harmed.

17 Alcohol opens up so many doors to  
18 danger, and especially being on that corner at  
19 night. It's bad enough that other club is there,  
20 and I still got to be on my guard when I leave my  
21 home. It shouldn't be like that. And you're  
22 talking about opening a club right next door?

23 What would happen to me if I go out  
24 there? I don't know what somebody's mindset  
25 might be, you understand, because alcohol will

1 lead to something else. And my life is -- I  
2 don't know how long I'm going to be on this  
3 Earth. Only God knows that. And I'm not putting  
4 my faith in somebody else saying, okay, we're  
5 going to protect you and you're not there.  
6 That's all I wanted to say.

7 MR. BLANCHARD: Thank you, ma'am.

8 MS. SMITH: Thank you.

9 MEMBER SHORT: Could you someone  
10 provide a -- is she finished?

11 MS. SMITH: Oh, I'm sorry. Oh, I am  
12 so sorry.

13 MR. BLANCHARD: That's okay.

14 MS. SMITH: I'm sorry.

15 MR. BLANCHARD: Don't worry.

16 MS. SMITH: I'm sorry.

17 MEMBER SHORT: Never mind, Mr. Chair.  
18 Okay.

19 CHAIRPERSON ANDERSON: Thank you, Ms.  
20 Smith, for your testimony. You can step down.

21 MS. SMITH: Okay. Thank you, sir.

22 MR. O'BRIEN: Now you can.

23 MS. SMITH: Thank you.

24 MR. BLANCHARD: Thank you very much.

25 CHAIRPERSON ANDERSON: Do you have a

1 -- do you have another witness?

2 MR. BLANCHARD: I have a -- I'd like  
3 to call Reverend Larry West.

4 CHAIRPERSON ANDERSON: Okay.

5 MEMBER SHORT: What's his name again?

6 CHAIRPERSON ANDERSON: Reverend Larry  
7 West. Mr. Blanchard, just wanted to let you  
8 know, you only have 35 minutes left.

9 MR. BLANCHARD: Okay.

10 CHAIRPERSON ANDERSON: Okay.

11 MR. BLANCHARD: Thank you.

12 CHAIRPERSON ANDERSON: Reverend West?

13 REV. WEST: Yes.

14 CHAIRPERSON ANDERSON: Can you raise  
15 your right hand please? Do you swear or affirm  
16 to tell the truth and nothing but the truth?

17 REV. WEST: I do.

18 WHEREUPON,

19 REVEREND LARRY WEST

20 was called as a witness by Counsel for the  
21 Protestants and, having been first duly sworn,  
22 assumed the witness stand, was examined and  
23 testified as follows:

24 CHAIRPERSON ANDERSON: All right.

25 Thank you, have a seat and pull the microphone



1 close to you, sir.

2 REV. WEST: Thank you.

3 DIRECT EXAMINATION

4 BY MR. BLANCHARD:

5 Q Reverend West, when you were ordained?

6 A Oh, geez.

7 Q Yeah, it's a trick question, Doctor.

8 A That is a trick question.

9 Q Sorry to catch you off guard.

10 A Ordained in 1993 I believe.

11 Q And what is your academic background?

12 A Got a terminal degree in religious  
13 studies from Trinity Theological Seminary in  
14 Newburgh, Indiana.

15 Q Is that a doctorate degree?

16 A That is --

17 Q Thank you.

18 A -- a doctorate degree.

19 Q All right. And --

20 A Went to the University of Georgia for  
21 my Bachelors.

22 Q All right.

23 A United Baptist College and Seminary in  
24 Baltimore for the masters, and Trinity  
25 Theological in Newburgh, Indiana for the

1       doctorate degree.

2               Q       Very good.

3               CHAIRPERSON ANDERSON:   Reverend West,  
4       you're talking to us.

5               REV. WEST:   Okay.

6               CHAIRPERSON ANDERSON:   All right.

7               REV. WEST:   Okay.

8               CHAIRPERSON ANDERSON:   I know he's  
9       asking you the questions, but you're really  
10      speaking to us.

11              MR. BLANCHARD:   I'll talk so you can  
12      hear it.

13              REV. WEST:   All right.

14              CHAIRPERSON ANDERSON:   You understand?

15              REV. WEST:   Well, thank you, it's a  
16      learning experience.

17              BY MR. BLANCHARD:

18              Q       And Reverend West, where are you  
19      currently a minister?

20              A       The Mount Airy Baptist Church in the  
21      corner of North Capitol and L Street Northwest.  
22      Historic Mount Airy Baptist Church.

23              Q       How long has Mount Airy Baptist Church  
24      served the community, and how is it currently  
25      involved in the community?

1           A        It's 126 years of service to this  
2 community. Mount Airy has always been a  
3 community church. And as far as Pastor West is  
4 concerned, it'll always be a community church.  
5 We're there not just for the members of the  
6 church but we're there for the community at  
7 large.

8                   As a matter of fact, if I might, there  
9 was a time in the community when mindsets were  
10 all fenced in. What I mean by that is this.  
11 There are fences around geographic areas in the  
12 northwest one community, and unfortunately, those  
13 physical barriers didn't just site the boundaries  
14 for those geographic areas. They also sited  
15 boundaries for the mind of people who are living  
16 in the community.

17                   Literally if you wanted to have a  
18 meeting in a different community, if you wanted  
19 the Tower House residents to go to the meetings  
20 in Citizen Quarter, they wouldn't do it at that  
21 particular time.

22                   The church became the central focus  
23 for the community whenever it wanted to have  
24 community meetings. That's, again why I say the  
25 church, particularly the Mount Airy Church has to

1 remain a community church because it fights the  
2 mental barrier to help people know and to help  
3 people understand that there's a huge world with  
4 many, many opportunities out there. And we've  
5 been doing that for 126 years or so.

6 Q And are there particular programs that  
7 the church offers that helps the broader  
8 community, not just your congregants?

9 A Oh, sure. Everything we do is not  
10 just for our congregants, but it's for the  
11 broader community, those that I'm very proud of,  
12 we have a community credit union, probably is the  
13 largest church owned and operated credit union  
14 probably within the District of Columbia.

15 We've been cited for several  
16 recognitions and we're very, very proud of that.  
17 And, again, that's not just for the members, but  
18 it's for community members, and even other  
19 entities as well. Every Friday night we have  
20 what we call a children's night, or every Friday  
21 after the fourth Sunday we have a family night  
22 where all persons are invited to come and share.  
23 But on those particular nights, our focus is  
24 pretty much on children, children and young  
25 adults.

1           Q       Are there any programs that serve the  
2 residents of the Conway House?

3           A       Well, every second Saturday of the  
4 month our outreach ministry goes to the Conway  
5 House to offer ministerial services there. And  
6 we've, of course have become very familiar with  
7 the residents within the Conway building. Many  
8 of them have attended, and of course, joined the  
9 Mount Airy church as well.

10                   We participate with them from time to  
11 time with food drives. And of course, anything  
12 we're doing whether it's having a clothing drive,  
13 or whether it's having a food drive, whether it's  
14 participating in share food or brown bags, we try  
15 to do whatever we can, particularly for these  
16 veterans because we consider them to be very  
17 honored members of our community and of our  
18 society. So whatever we're doing we certainly  
19 hold a place in our hearts for the people that  
20 the John and Jill Conway building.

21                   In addition to that, we have AA  
22 meetings that we host at the Mount Airy Church,  
23 and there are many members from the community  
24 that attend that particular session as well.

25           Q       Thank you, Reverend. In your

1 perspective, as a key figure in the community,  
2 how much crime is there in the neighborhood?

3 A Well, unfortunately, we have people  
4 who look to do things opportunistically. When I  
5 originally arrived at the Mount Airy Church in  
6 2002, that particular community, as I understood  
7 it at the time, was the number one crime hotspot  
8 in Washington, D.C. And of course, we went to  
9 work because I firmly believe that where Pastor  
10 West is stationed these kinds of things should  
11 not be happening, particularly in my backyard.

12 Well, they were happening in my  
13 backyard, but we set out to try and get to know  
14 the community and to allow the community to get  
15 to know us as well by doing outreach. We noted  
16 that there were people who used to camp out on  
17 our steps, literally the steps of the church. I  
18 would engage them as pastor trying to get to know  
19 people in the community. And as they staggered  
20 to the steps, as they slept on the steps, Pastor  
21 would wake them up to have some conversation to  
22 try and understand what it was that perhaps they  
23 were going through or challenged by.

24 And almost to the person, and I say  
25 that because I noted that there were a stream of

1 people at 7, 7:30 in the morning. And we  
2 established a prayer ministry to specifically  
3 address those people at that time on each and  
4 every day. And by the way, it was an everyday  
5 occurrence.

6 We started having prayer, of course,  
7 with them, group prayer, and much to our  
8 surprise, many of them began to ask us to pray  
9 for them. They were trapped in this quagmire of  
10 alcohol of course, and drugs, but they didn't  
11 want to be there. They didn't want to be  
12 trapped. So they asked us as we stood around in  
13 circles, they asked us to pray for them, and of  
14 course, we did that.

15 As soon as we did, I guess you could  
16 call them the leaders of whatever it was they  
17 moved the time from 7 to 7:30, and from 7:30 to  
18 then 8:15 to 8:30. No matter where they moved  
19 the time, we then moved our time to, again, be  
20 there to show a presence, and to have, again,  
21 prayer with them as well.

22 Q Thank you, Reverend West. Can you  
23 just describe from your perspective what the  
24 impact of having a nightclub open at 1001 North  
25 Capitol would have on the community, your

1 community?

2           A        I think that the impact is not  
3 necessarily the club itself, but the impact of  
4 what the club would be producing, allowing, and  
5 that is particularly the alcohol. Many of the  
6 people I've been talking about thus far, their  
7 actions have been precipitated or even initiated  
8 because of alcohol. And getting that directly  
9 from the people who we address, the people we  
10 talk to, and even now attending some of the AA  
11 meetings are some of the people who have been  
12 impacted by, again, alcohol specifically coming  
13 from the John and Jill Conway residence.

14                    I think the convenience of having that  
15 product, those products would be troublesome.  
16 And we've not seen, or at least our experience  
17 has been, that alcohol is an initiator. It then  
18 moves from the consumption of alcohol to the  
19 consumption of other things. And we find that in  
20 that particular area the other things take hold.  
21 And unfortunately, the challenge I mentioned  
22 earlier about people of an opportunity to commit  
23 crimes, that's what they do.

24                    Case in point, Megabus. When the  
25 Megabus people had nowhere else to go, Union



1 Station wasn't ready for them, they decided to  
2 initiate their drive in the parking lot directly  
3 across the street from our church. Immediately  
4 we saw crime shoot up because, again, of  
5 opportunity.

6 You had strangers not knowing the  
7 territory, coming into the community not knowing  
8 the community, looking like travelers, acting  
9 like travelers. And of course those who were  
10 opportunistic, those who had been staggering and  
11 drinking, and those who had been utilizing other  
12 substances took advantage of that opportunity.  
13 At that moment we again saw the crime  
14 particularly going up. Thank God that Union  
15 Station got ready for Megabus, and of course they  
16 moved all of their clientele and all of their  
17 buses from the parking lot to the Union Station  
18 area.

19 Q Thank you, Reverend West. No further  
20 questions.

21 CHAIRPERSON ANDERSON: Mr. O'Brien?

22 CROSS EXAMINATION

23 BY MR. O'BRIEN:

24 Q Pastor West, if it were up to you we  
25 would not have alcohol in society, am I correct?

1           A       I wouldn't say not in society, but I  
2 think that we challenge ourselves when we allow  
3 alcohol to be convenient for those who  
4 unfortunately have proven that they can't handle  
5 it.

6           Q       You would object to having a liquor  
7 store open at the former site of St. Philips,  
8 wouldn't you?

9           A       I think that a liquor store would  
10 absolutely be objectionable.

11          Q       I heard you say that the impact is not  
12 the club itself. Would you agree that a well-run  
13 club would not be a detriment to the  
14 neighborhood?

15          A       I don't think I would I agree that a  
16 well-run, and particularly if it includes the  
17 substances that we've just mentioned, just talked  
18 about. Whether it's well-run or shabbily run,  
19 the convenience of the product is the key  
20 particularly when people have shown they simply  
21 cannot handle it.

22                   Q                   But that's not --

23          A       And that's what we have been fighting  
24 for. We've been fighting to help people get over  
25 and get beyond their vice. They've been willing

1 to do that. But instead of continuing to help  
2 them, we're looking to provide more convenience  
3 for them so they have to continue either fighting  
4 or giving in. And that's my point.

5 Q Well, but doesn't that take us full  
6 circle to my first question which is you'd prefer  
7 that there be no alcohol in society.

8 A No, I didn't say that. You said that.

9 Q Well --

10 A What I said --

11 Q -- please help me out.

12 A What I said is that it does not need  
13 to be provided where there are people who have  
14 proven that they cannot handle it. And the proof  
15 is in the pudding. We live it every day. Seven  
16 days a week, we live it.

17 Q Thank you. I don't have any more  
18 questions.

19 CHAIRPERSON ANDERSON: Any questions  
20 by any board members? Yes, Mr. Short.

21 MEMBER SHORT: Reverend Dr. West.

22 REV. WEST: Yes, sir.

23 MEMBER SHORT: How are you this  
24 evening? Good afternoon. I'm very familiar with  
25 your church, and my masonic lodge has events

1 there from time to time. So I've been to church  
2 a lot at your church. But I need to ask you  
3 this.

4 REV. WEST: Sure.

5 MEMBER SHORT: Before they even closed  
6 down Citizen Quarter Court, and there were no  
7 alcohol stores, the church was still functioning  
8 then, there were problems, correct?

9 REV. WEST: I'm sure there were. I  
10 mean I've not been --

11 MEMBER SHORT: Okay. The question I  
12 really want to ask you is are you familiar with  
13 any fire dangers in your community, 1140 North  
14 Capitol, Sibley Plaza?

15 REV. WEST: Sure.

16 MEMBER SHORT: Have they had fires  
17 there and fire deaths there? I'll answer for  
18 you. Yes, they have had both.

19 REV. WEST: I'm not familiar with the  
20 fire death.

21 MEMBER SHORT: I'm very familiar with  
22 it in your neighborhood. But anyway, I want to -  
23 - would somebody please give him a copy of A1 and  
24 A2 in the black tablet?

25 MR. O'BRIEN: Pastor, there's a binder

1 right in front of you there.

2 REV. WEST: Okay.

3 MR. O'BRIEN: If you could open up to  
4 pages A1.

5 MEMBER SHORT: If you could show it to  
6 him it would cut down on the time.

7 MR. BLANCHARD: Yes, sir.

8 REV. WEST: A1 and A2, okay. I've got  
9 A1 here and A2.

10 MEMBER SHORT: Okay. Would you look  
11 at A1?

12 REV. WEST: Okay.

13 MEMBER SHORT: Tell me what you think  
14 that's a picture of. It's in your neighborhood.

15 REV. WEST: If I had to --

16 MEMBER SHORT: That's the Saint  
17 Philips Church.

18 REV. WEST: I was going to say if I  
19 had to guess it was a church.

20 MEMBER SHORT: And that's 1005, 11005  
21 where you see the concrete.

22 REV. WEST: On A2?

23 MEMBER SHORT: A1. The red brick is  
24 the church.

25 REV. WEST: Okay.

1 MEMBER SHORT: The white brick is  
2 1005.

3 REV. WEST: Okay.

4 MEMBER SHORT: What does the condition  
5 of that church look like to you on that roof?

6 REV. WEST: It's devastating. It --

7 MEMBER SHORT: Look at --

8 REV. WEST: -- looks like it needs  
9 some repair.

10 MEMBER SHORT: Look at A2. Okay, that  
11 means if there's a major fire and then the bricks  
12 in that kind of condition, it's most likely that  
13 building's going to collapse, isn't it?

14 REV. WEST: I'm not a construction  
15 person, but I would say, but I would say that,  
16 again, that's a problem.

17 MEMBER SHORT: Per chance?

18 REV. WEST: That's a problem.

19 MEMBER SHORT: A problem?

20 REV. WEST: Yeah.

21 MEMBER SHORT: So would you rather for  
22 it to be like that, or have it be constructed so  
23 it could be safe for the people in the 1005 can  
24 go to sleep at night without worrying about the  
25 building collapsing and maybe killing some of

1       them depending if it's late at night. But I'll  
2       say this to you. Your preference when it comes  
3       to safety for the people in your church --

4               REV. WEST: Yes.

5               MEMBER SHORT: -- your parish, and our  
6       communities.

7               REV. WEST: Yes.

8               MEMBER SHORT: Would you rather have  
9       this or have it redone?

10              REV. WEST: Yes, the safety is always  
11      key. It's primary.

12              MEMBER SHORT: So, again, your answer  
13      is --

14              REV. WEST: The safety of people.

15              MEMBER SHORT: -- would you rather  
16      keep it like this because it's not going to get  
17      any better unless somebody does a lot of work  
18      there, and cave in probably. You know the people  
19      who break in these churches and sleep at night  
20      and they lite fires. There's no fire alarm  
21      equipment in there, no nothing to save this  
22      building. And the people next door not know  
23      anything until they smelled the smoke and heard  
24      the noise. And some of them might not get out.

25              I'm not for anything other than what's

1 good for our community. And I've been on this  
2 Board now going on six, seven years, and it's  
3 kind of hard for me to communicate sometimes to  
4 our community. Change is here whether we want to  
5 accept it or not, change is here.

6 And I'll just say this, this is  
7 disgraceful for our community. I feel the shame  
8 because I used to go to this church as a child  
9 with Christian Endeavor in the evenings with my  
10 mother and father. My children were educated  
11 across the street at the Catholic Church that's  
12 there. I can't see anyone in our community  
13 wanting the safety for the people in 1005 or in  
14 that whole entire 1100 block of North Capitol  
15 Street wanting it to stay this way. So how do we  
16 change that, Reverend?

17 REV. WEST: Is it Mr. Short or Mister  
18 -- it is Mr. Short? Mr. Short, I think that the  
19 way we change that is we go to work on the  
20 building.

21 MEMBER SHORT: But the cost --

22 REV. WEST: But we cannot go to work  
23 on the building --

24 MEMBER SHORT: To renovate that  
25 building is going to cost close to \$10 million to



1 \$20 million for that.

2 REV. WEST: I understand, Mr. Short,  
3 but to go to work on the building without going  
4 to work on people --

5 MEMBER SHORT: I understand.

6 REV. WEST: -- is problematic.

7 MEMBER SHORT: Pastor, thank you for  
8 your testimony.

9 REV. WEST: Sure.

10 MEMBER SHORT: You've been very  
11 compelling. And thank you for the work you do in  
12 our community. God bless you.

13 REV. WEST: Bless you as well.

14 MEMBER SHORT: that's all I have, Mr.  
15 Chair.

16 CHAIRPERSON ANDERSON: Thank you. Any  
17 other questions by any of the board members? Mr.  
18 O'Brien, Mr. Blanchard? Reverend West, thank you  
19 very much for your testimony, sir. You can step  
20 down. Mr. Blanchard, another witness.

21 REV. WEST: Am I free to leave?

22 CHAIRPERSON ANDERSON: Yes, sir, you  
23 are free to leave.

24 REV. WEST: Or free to sit?

25 CHAIRPERSON ANDERSON: You can now

1 join us if you want to join us, or you can book  
2 it. It's up to you.

3 REV. WEST: Thank you.

4 CHAIRPERSON ANDERSON: You're a free  
5 man so you can stay or leave.

6 REV. WEST: Thank you.

7 CHAIRPERSON ANDERSON: Thank you, sir.

8 So I'm looking at your witness list, Mr.  
9 Blanchard, and I think there is -- you have two  
10 more folks listed. Are you calling them?

11 MR. BLANCHARD: I'm through my witness  
12 list.

13 CHAIRPERSON ANDERSON: You're through  
14 your --

15 MR. BLANCHARD: The other two folks on  
16 my list are not going to appear today.

17 CHAIRPERSON ANDERSON: Okay, so you're  
18 --

19 MR. BLANCHARD: So I'm shifting over  
20 to Mr. McKinnon's list.

21 CHAIRPERSON ANDERSON: All right. So  
22 Mr. McKinnon.

23 MR. MCKINNON: All right. We're going  
24 to have Denise Blackman.

25 CHAIRPERSON ANDERSON: And how many

1 witnesses do you have?

2 MR. MCKINNON: Well, including myself  
3 it's four.

4 CHAIRPERSON ANDERSON: Four?

5 MR. MCKINNON: Yeah. All right. I'll  
6 find your --

7 CHAIRPERSON ANDERSON: Okay. So you  
8 have I think I said -- All right, so you have --  
9 so who's your first witness?

10 MR. BLANCHARD: Yeah.

11 MR. MCKINNON: So what I'll do is call  
12 her.

13 (off mic comments)

14 CHAIRPERSON ANDERSON: I'm sorry,  
15 who's the first person we're calling?

16 MR. MCKINNON: There she is.

17 CHAIRPERSON ANDERSON: I'm sorry, I  
18 didn't get the name. What's the name?

19 MR. MCKINNON: Denise Blackman.

20 CHAIRPERSON ANDERSON: Denise?

21 MS. BLACKSON: Blackson.

22 CHAIRPERSON ANDERSON: Blackson.

23 MS. BLACKSON: Actually.

24 CHAIRPERSON ANDERSON: That's D-E-N-I-  
25 S-E.

1 MS. BLACKSON: Good afternoon.

2 CHAIRPERSON ANDERSON: Hold on please.

3 Yes. Ms. Blackson, can you raise your right  
4 hand, please?

5 MS. BLACKSON: Yes.

6 CHAIRPERSON ANDERSON: Do you swear or  
7 affirm to tell the truth and nothing but the  
8 truth?

9 MS. BLACKSON: Yes.

10 WHEREUPON,

11 DENISE BLACKSON

12 was called as a witness by Counsel for the  
13 Protestant and, having been first duly sworn,  
14 assumed the witness stand, was examined and  
15 testified as follows:

16 CHAIRPERSON ANDERSON: All right.

17 Speak in the -- Mr. McKinnon, are you the one  
18 questioning her, or is it Mr. Blanchard?

19 MR. BLANCHARD: Do you want to ask the  
20 questions? It would be the same kind of questions  
21 that I've been asking.

22 MR. MCKINNON: Well, based on the  
23 impact of the alcohol in the community --

24 CHAIRPERSON ANDERSON: No, I'm saying,  
25 so you're going to question her?

1 MR. MCKINNON: No, I'll let you -- you  
2 can ask the questions. Basically we want --

3 DIRECT EXAMINATION

4 BY MR. BLANCHARD:

5 Q Okay. It's Denise Blackson?

6 A That's correct.

7 Q Good afternoon.

8 CHAIRPERSON ANDERSON: Excuse me, sir,  
9 are you here to testify? And is that a witness  
10 in this case?

11 MR. TODD: I already --

12 MR. BLANCHARD: He already testified.

13 CHAIRPERSON ANDERSON: Oh, okay.

14 MR. BLANCHARD: That's Mr. Todd.

15 CHAIRPERSON ANDERSON: All right.

16 Okay. It's been a long day so all right. I'm  
17 sorry. All right, okay. Go ahead, go ahead.

18 BY MR. BLANCHARD:

19 Q Ms. Blackson, can you tell us where  
20 you live?

21 A My exact address, or --

22 Q Yes, ma'am.

23 A 1169, 1st Place Northwest, Washington,  
24 D.C. 2001, Sibley Plaza Townhouses.

25 Q Sibley Plaza, thank you. And how long

1 have you lived there?

2 A Twenty-four years.

3 Q Twenty-four years, all right. And are  
4 you familiar with this nightclub application?

5 A Yes.

6 Q In what sense?

7 A That they are trying -- they bought  
8 St. Philips Church, the former St. Philips church  
9 at 1001 North Capitol Street, Northeast, and they  
10 want to obtain a liquor license.

11 Q Okay. And what impact would having --  
12 actually they're leasing it.

13 A They're leasing it, okay.

14 Q But what impact would it have on your  
15 community, on your --

16 A From my perspective, as a community  
17 leader, I'm the resident counsel president of  
18 Sibley Plaza townhouses, and I'm also a community  
19 leader in the community. And I've seen many  
20 shootings come behind nightclubs that's been  
21 there that serve alcohol. The FUR was there,  
22 Ibiza, right up the street, a couple of blocks  
23 from where this nightclub would be.

24 Q And that was a resident, what was the  
25 name of that? You're the --

1           A       Resident, uh-huh, on the executive  
2 board, resident council president, Sibley Plaza  
3 Townhouses Association.

4           Q       Okay. And you represent how many  
5 people? Just ballpark.

6           A       It's 22 houses, but ballpark, maybe  
7 around 50 or more.

8           Q       Okay. And so your major concern is  
9 with the --

10           MR. O'BRIEN: Objection, leading.

11           Q       All right. Is there crime in the  
12 neighborhood?

13           A       Yes.

14           Q       Okay.

15           MR. BLANCHARD: I would like to offer  
16 an additional exhibit that I just received this  
17 morning from the Metropolitan Police Department  
18 in response to the Board's subpoena of records.

19           CHAIRPERSON ANDERSON: What's --

20           MR. BLANCHARD: So --

21           CHAIRPERSON ANDERSON: You show that  
22 -- are you aware of what? Have you seen that Mr.  
23 O'Brien?

24           MR. O'BRIEN: I know that Mr.  
25 Blanchard intended to subpoena MPD. I was not

1 aware of any results with that.

2 CHAIRPERSON ANDERSON: Okay.

3 MR. BLANCHARD: The Board's subpoena  
4 had asked for records to be produced by last  
5 Wednesday so we could include it in our PIF. The  
6 cover to this report, a female from MPD's general  
7 counsel to me this morning at 10:23 a.m. I asked  
8 her to provide a witness that could testify to  
9 this, but I'm going to -- I would like to move it  
10 into the record under the business records  
11 official government documents exception to  
12 hearsay.

13 CHAIRPERSON ANDERSON: I mean I don't  
14 -- I mean from what I see it's -- I assume I am -  
15 - I believe it's a subpoena that I signed off  
16 requesting records, but what are you going to do  
17 with this witness? Are you just introducing it  
18 into evidence? Are you having this witness  
19 testify on this document? What are you trying to  
20 do?

21 MR. BLANCHARD: I'm asking this  
22 witness to testify on this document because she's  
23 not familiar with it.

24 CHAIRPERSON ANDERSON: Right.

25 MR. BLANCHARD: However, this witness



1 did mention crime in the neighborhood, and so I  
2 would like to -- I'm not asking this witness  
3 about anything else. But I would like to  
4 introduce this government record into the Board's  
5 hearing record as indication of crime in the  
6 neighborhood over the past 10 years, specifically  
7 at 1001, 1005 North Capitol Street, and the unit  
8 block of K street.

9 CHAIRPERSON ANDERSON: Mr. O'Brien?

10 MR. O'BRIEN: The problem is, Mr.  
11 Chair, I can't cross examine this piece of paper.  
12 And the Administrative Procedure Act guarantees  
13 the parties the right to meaningful cross-  
14 examination. And I think a good illustration of  
15 that would be the experience this afternoon with  
16 the representative from Fire and EMS. We had a  
17 raw number thrown out at us, but after being able  
18 to question the witness, I suggest that we were  
19 able to shake the foundation of that number a bit  
20 because it didn't have any interpretation.

21 How many of those people were using  
22 the ambulances as a taxi service? How many of  
23 the 191 calls came from one or more individuals,  
24 frequent fliers as they say? So the ability to  
25 cross-examine gives context to records. And I

1 can't cross -examine this, and thus, I object to  
2 its admission.

3 MR. BLANCHARD: In response to that.

4 CHAIRPERSON ANDERSON: Yes, Mr.  
5 Blanchard?

6 MR. BLANCHARD: Chair, the information  
7 provided by the Fire and EMS Department are some  
8 broad numbers. And therefore, the testimony from  
9 Lieutenant Johnson as to what those numbers  
10 meant, I do not disagree with Mr. O'Brien the  
11 value to illuminate what those numbers meant.

12 In stark contrast to that, the  
13 Metropolitan Police Department has provided a  
14 very detailed report telling us what each of the  
15 offenses were, the offense, information, the time  
16 it occurred, the date it occurred. So it's not  
17 just a raw compilation. It's a very detailed  
18 list. And just I would ask that the board just  
19 attach whatever probative value it assigns to it.  
20 But put it in the hearing record.

21 CHAIRPERSON ANDERSON: All right. I'm  
22 going to overrule the objection and I'll admit  
23 the document. All right.

24 MR. BLANCHARD: Ms. Blackson, I'm  
25 sorry to interrupt.

1 MS. BLACKSON: That's fine.

2 MR. BLANCHARD: But I have no further  
3 questions.

4 CHAIRPERSON ANDERSON: I'm sorry. So  
5 what -- this is --

6 MR. BLANCHARD: This is going to be  
7 Plaintiff's Exhibit Number 9.

8 CHAIRPERSON ANDERSON: Oh, Number 9.  
9 All right. All right, so --

10 MR. O'BRIEN: Admitted over objection.

11 CHAIRPERSON ANDERSON: Over objection  
12 of counsel, that's right. Yes. Are you done  
13 with Ms. Blackson?

14 MR. MCKINNON: We're going to call --

15 MR. BLANCHARD: Unless the Board, or  
16 --

17 CHAIRPERSON ANDERSON: No, no, no, I'm  
18 saying are you done with Ms. Blackson?

19 MR. BLANCHARD: Yes, I am.

20 CHAIRPERSON ANDERSON: Mr. O'Brien.

21 CROSS EXAMINATION

22 BY MR. O'BRIEN:

23 Q Ms. Blackson, you mentioned you had  
24 problems with the nightclubs, FUR and Ibiza?

25 A Yes. Not only FUR and Ibiza, but

1 nightclubs in general as well. But I'm speaking  
2 to my area, yes, the FUR and Ibiza are two that  
3 I'm familiar with. Also I didn't share the  
4 Avenue. There were other clubs there in that  
5 vicinity.

6 Q Okay, FUR and Ibiza were up on  
7 Patterson Street, correct?

8 A Right.

9 Q Yes.

10 A Patterson Street.

11 Q Right.

12 A And 1st Street.

13 Q Will you agree that those were poorly  
14 run places?

15 A I'm not sure about how they were ran.  
16 I didn't patronize them, so I don't know about  
17 when you say run?

18 Q Was it your opinion that any nightclub  
19 necessarily generates crime?

20 A Any nightclub?

21 Q Yes.

22 A I believe when you contribute it to  
23 alcohol and people not being able to handle their  
24 liquor or alcohol impairs your thinking, some  
25 people can't handle that, and I believe that

1 would contribute to our neighborhood not being  
2 safe.

3 Q Well, we know that -- well, assume for  
4 the sake of the question that there's no such  
5 thing as a nightclub without alcohol.

6 A Of course not.

7 Q Okay. All right. Are you saying that  
8 all -- any nightclub necessarily is going to be  
9 detrimental to a neighborhood?

10 A In a community, I don't think a  
11 nightclub belongs in a community.

12 Q In a community such as Washington,  
13 D.C.?

14 A It depends on what you're asking.  
15 Where people live, a nightclub shouldn't be  
16 around a house. Ground breaking for Temple  
17 Courts is going to be directly across from this  
18 nightclub. My houses that's in a demolition demo  
19 application is in with HUD right now, that'll be  
20 right down there on that same very street, and I  
21 don't want to raise my grandkids right there  
22 across from a nightclub that I have to worry  
23 about traffic conditions, you know, the safety-  
24 ness of bullets flying up and down the street, or  
25 people race-carring right there coming from a

1 nightclub that's been out drinking.

2 Q So you think that any nightclub  
3 necessarily is going to generate --

4 A In a community --

5 Q Wait let me finish, ma'am. That any  
6 nightclub is necessarily going to generate  
7 bullets down the street and people racing?

8 A In D.C. it's not uncommon.

9 MR. O'BRIEN: Those are my questions,  
10 thank you.

11 CHAIRPERSON ANDERSON: Any other  
12 questions by any board members? Ms. Blackson,  
13 thank you very much for your testimony.

14 MS. BLACKSON: Thank you.

15 CHAIRPERSON ANDERSON: You can step  
16 down. Do you have another witness?

17 MR. BLANCHARD: Yes.

18 MR. MCKINNON: Yes.

19 MR. BLANCHARD: Mr. Roger Whitfield.

20 This will be our last witness.

21 CHAIRPERSON ANDERSON: All right. Is  
22 Mr. McKinnon not testifying?

23 MR. MCKINNON: Due to time, because I  
24 don't know how much time we got.

25 CHAIRPERSON ANDERSON: You can

1 testify, sir, if you want to testify. You've  
2 been here all day.

3 MR. MCKINNON: All right. Thank you.

4 CHAIRPERSON ANDERSON: I'll push stuff  
5 -- I'll push back my 4:30 and I told them to show  
6 up at 6:30. And I think you have -- so if  
7 there's two witnesses and then are you going to  
8 utilize your --

9 MR. MCKINNON: We're going to call Mr.  
10 Whitfield myself.

11 CHAIRPERSON ANDERSON: Yes. Are you  
12 going to utilize rebuttal, Mr. O'Brien?

13 MR. O'BRIEN: Yes.

14 CHAIRPERSON ANDERSON: About how long  
15 you believe your two rebuttals will take?

16 MR. O'BRIEN: Give me ten minutes  
17 direct on each please.

18 CHAIRPERSON ANDERSON: All right.

19 MR. O'BRIEN: I think that's well  
20 within my budget.

21 CHAIRPERSON ANDERSON: No, no, we're  
22 not talking about your budget. I'm looking at  
23 the time for my other protest hearing. So, no,  
24 you do have the time.

25 MR. O'BRIEN: Okay.

1                   CHAIRPERSON ANDERSON: All right. Mr.  
2 Whitfield, good afternoon, sir. Can you raise  
3 your right hand? Do you swear or affirm to tell  
4 the truth, and nothing but the truth?

5                   MR. WHITFIELD: I do.

6 WHEREUPON,

7                   ROGER WHITFIELD

8 was called as a witness by Counsel for the  
9 Protestant and, having been first duly sworn,  
10 assumed the witness stand, was examined and  
11 testified as follows:

12                   CHAIRPERSON ANDERSON: Have a seat,  
13 sir, and thank you.

14                   DIRECT EXAMINATION

15                   BY MR. BLANCHARD:

16                   Q     Mr. Whitfield, good afternoon.

17                   A     Good afternoon.

18                   CHAIRPERSON ANDERSON: Mr. Whitfield,  
19 speak in the microphone, and remember you're  
20 speaking to us, not to Mr. Blanchard.

21                   BY MR BLANCHARD:

22                   Q     I'm going to ask you a few questions,  
23 sir.

24                   A     All right.

25                   Q     But if you would direct your responses



1 to the Board members --

2 A Yes, sir.

3 Q -- rather than over here, and please  
4 speak into the microphone.

5 A No problem.

6 Q All right. Mr. Whitfield, where do  
7 you live?

8 A I live in District Heights, Maryland.

9 Q District Heights, Maryland. All  
10 right. And what is your connection to this  
11 community over on North Capitol Street?

12 A I have a long history with this area.  
13 And I was here when drugs and alcohol had made it  
14 not a pleasant place to be around. Let me just  
15 qualify myself by saying I'm approaching on  
16 December 10th my 24th year of clean and sober.

17 Q Congratulations.

18 A And this is one of the areas I saw go  
19 from a beautiful place to live into a Dodge City  
20 type of situation if you can understand the  
21 visual I'm trying to give you. Free for all.  
22 Drugs and alcohol became the primary ways of a  
23 person making an income, you know, infiltrated by  
24 Kingpins from out of this area, New York, Jersey  
25 area who took over large turfs was the

1 terminology at the time. Blocks of space where  
2 they could do basically anything they wanted to  
3 do. What I really want -- unless you want me to  
4 do it in a question-and-answer type situation?

5 Q Yes, yes.

6 A Okay, go ahead.

7 Q So I'm going to ask you some more  
8 questions. So Mr. Whitfield, I understand that  
9 the District's history has not been great in that  
10 regard. Has it gotten better in this  
11 neighborhood?

12 A It has gotten much better.

13 Q Okay.

14 A I am connected here because I talked  
15 to Bishop -- Pastor West allowed me three years  
16 ago to bring an AA meeting that met every Sunday  
17 down at St. Aloysius Church. When they closed,  
18 he allowed me -- I wrote him a letter and I got a  
19 recommendation from Tom Howarth who runs the  
20 McKenna Center at the time and Father Basinger  
21 who I did my fifth 12 step with, a recommendation  
22 and I wanted to choose Mount Airy and they  
23 allowed me to bring our meeting to there. And  
24 we're in our 25th year and I'm approaching my  
25 24th year.

1 Q And that's at which church?

2 A At Mount Airy which is right across  
3 the street from the St. Philips.

4 Q Thank you. You mentioned crime. Is  
5 there still any crime in the area?

6 MR. O'BRIEN: Objection, foundation?

7 CHAIRPERSON ANDERSON: Mister --

8 Q Have you observed?

9 A I have observed that the confusion  
10 that goes on around all liquor stores in D.C. is  
11 not prevalent in that area. But once you put a  
12 liquor store there, you make it a different space  
13 because all I got to do is go in that liquor  
14 store and buy a dollar bag of chips and hold the  
15 receipt and you -- I don't care what rank you are  
16 on the police force, you can't make me leave.

17 Q All right. And having a nightclub --  
18 I'm sorry, what impact in your perspective would  
19 Town 2.0 have on this community?

20 A Well, as a recovering addict and  
21 alcoholic, I know that right next to that  
22 property are people who are in the early recovery  
23 and struggling to obtain -- to get out of the  
24 lifestyle that has taken them to a point of  
25 hopelessness to a place of hope and recovery.

1 And if you place that beside them, you could  
2 actually I believe cause a loss of life itself.

3 A Thank you, Mr. Whitfield, no further  
4 questions.

5 MR. O'BRIEN: No questions.

6 CHAIRPERSON ANDERSON: Any questions  
7 by any board members? Mr. Whitfield, thank you  
8 very much, sir, for your testimony. You can step  
9 down.

10 MR. WHITFIELD: Thank you very much  
11 for listening to me, sir.

12 MR. BLANCHARD: So I'm just going to  
13 call Mister --

14 CHAIRPERSON ANDERSON: McKinnon?

15 MR. BLANCHARD: -- McKinnon.

16 CHAIRPERSON ANDERSON: Mr. McKinnon,  
17 can you raise your right hand? Do you swear or  
18 affirm to tell the truth and nothing but the  
19 truth?

20 MR. MCKINNON: Yes, I do.

21 WHEREUPON,

22 RICHARD MCKINNON  
23 was called as a witness by Counsel for the  
24 Protestants and, having been first duly sworn,  
25 assumed the witness stand, was examined and

1 testified as follows:

2 CHAIRPERSON ANDERSON: All right. So  
3 you have been here all day so you know the drill,  
4 so I don't have to instruct you what to do,  
5 right?

6 MR. MCKINNON: Yes, yes, yes.

7 CHAIRPERSON ANDERSON: All right,  
8 thank you, sir. All right, your witness.

9 DIRECT EXAMINATION

10 BY MR. BLANCHARD:

11 Q All right. Mr. McKinnon, where do you  
12 live?

13 A I live at 324 Channing Street  
14 Northeast.

15 Q Channing Street Northeast, and are you  
16 -- do you belong to any church in the  
17 Neighborhood?

18 A I belong to Mount Airy Baptist Church.

19 Q And how long have you been a member  
20 there?

21 A Approximately about four to five  
22 years.

23 Q Okay. And so from your perspective,  
24 what would the nightclub, the Town 2.0 nightclub  
25 have on the community?

1           A        I'd say actually the club itself  
2 wouldn't, but the surrounding area it would, if I  
3 could express myself.

4           Q        Yes, what do you mean by that?

5           A        The opportunity they say is available.  
6 To criminals they take advantage of the  
7 opportunity. We can all have good intentions  
8 doing different things. I joined the church when  
9 it wasn't very safe and during that time before  
10 we add the long building on, there was a liquor  
11 store on that corner. Fortunately, we was able  
12 to buy them out. So that's one way we deter the  
13 crime from that.

14                    Now whether it will bring or not, I  
15 can't state. But I do know for past experience,  
16 crime will go up because the surrounding area, we  
17 are still in a heavy population of drug traffic  
18 going today. We try to deteriorate it. We tried  
19 to enlighten them or by having cameras put around  
20 the church to protect our property, that  
21 deteriorates some of the crime. But it doesn't  
22 leave all the way the crime, and there is still  
23 crime going in that area.

24                    I do believe that it's possible going  
25 to change that whole area, is changing. I don't

1 have many witness say where there is a club  
2 around the corner, there are still homeless  
3 around the corner. So trying to put a cap on  
4 what's going on, I know the Board would have a  
5 tough decision of making on liquor license. But  
6 I do think if we deal with the situation that we  
7 dealt with, it would not help. Now I can say --  
8 you can protect within this room, but we cannot  
9 contend what's out of this room.

10 Q All right.

11 A So that's my opinion.

12 Q You've heard some line of questioning  
13 about the church building being in disrepair and  
14 unsafe, and a fire hazard. From your  
15 perspective, what would the community like to see  
16 built there, or the reuse of that building?

17 A From my understanding that brought my  
18 attention to the building, I'm pretty sure that  
19 my perspective and some of our members would have  
20 loved to see the building maintained and kept up.  
21 We don't know the situation, why did the building  
22 deteriorate or why the residents decide to leave.  
23 I can't answer that question.

24 Q Okay. Thank you. Those are my  
25 questions.

1 CHAIRPERSON ANDERSON: Mr. O'Brien?

2 CROSS EXAMINATION

3 BY MR. O'BRIEN:

4 Q Mr. McKinnon, if I understand  
5 correctly, your principle concern is crime?

6 A Right.

7 Q Okay. How familiar are you with the  
8 corner of Connecticut and -- I'm sorry, not  
9 Connecticut. North Capitol and K?

10 A How familiar with it? I'm pretty  
11 familiar with it.

12 Q Do you get down there much at night?

13 A Yes.

14 Q Okay. Do you agree that that corner,  
15 that northeast corner where St. Philips is is  
16 pretty desolate right now?

17 A Yes.

18 Q Kind of scary?

19 A Yes.

20 Q Would you not agree that the presence  
21 of a thriving business on that corner actually  
22 would make the corner safer?

23 A I understand, I would say yes.

24 Q Thank you.

25 CHAIRPERSON ANDERSON: Any questions



1 by any of board members? Since you're here, let  
2 me ask you. Mister --

3 MR. BLANCHARD: McKinnon.

4 CHAIRPERSON ANDERSON: -- McKinnon.

5 You're one of the protestors, so you're  
6 protesting us granting or -- what is it that you  
7 want the Board to do? What is it from your  
8 perspective? What is it that since you are one  
9 of the main protestors, what is it you want the  
10 Board to do?

11 MR. MCKINNON: Well, my suggestion is  
12 the parishioners in my area and the Conway people  
13 that I talk to, they're coming to me and ask me  
14 to -- they're concern about the alcohol, liquor  
15 license or being so close in the atmosphere that  
16 they were very concerned that they would go back  
17 to their old ways. So they brought my attention  
18 to see how could we resolve this.

19 That's our main concern to -- not  
20 necessarily against the nightclub but the  
21 atmosphere of the more so the crime that occurs  
22 around that atmosphere. For example, if you go  
23 to the 100 Block of K Street, there is a very  
24 village of homeless people living in tents. If  
25 you go 100 block of L Street, you have the same

1 condition. So those people in my understanding,  
2 if they see a lot of opportunity, what's going  
3 on, they're going to gather. Not necessary  
4 attend the club. They're just going to gather  
5 hoping to bag or distract or see what they can do  
6 in that timeframe.

7 So it's not like where K Street and  
8 North Capitol are busy during the daytime. If  
9 anybody been in the area, that's a very busy  
10 section. Even at night it's not -- but you would  
11 never stop and say I don't see a car in 10  
12 minutes. You're going to see traffic all day,  
13 all night. Even early in the morning, you still  
14 will see a heavy population of traffic.

15 CHAIRPERSON ANDERSON: Now let me ask  
16 you. Mr. O'Brien had asked you a question about  
17 this area being a very desolate area, and I  
18 haven't made up my mind. I don't know what I'm  
19 doing. And I'm asking you this question because  
20 I didn't hear you testify to say, no, over my  
21 dead body, don't give them a liquor license. I  
22 didn't hear you, and I like that. I appreciate  
23 that.

24 MR. MCKINNON: Yes.

25 CHAIRPERSON ANDERSON: Okay? I

1 appreciate that. And I'm asking you because you  
2 are protesting.

3 MR. MCKINNON: Yes.

4 CHAIRPERSON ANDERSON: And so I know  
5 you're talking about crime. If this Board was to  
6 consider giving them a liquor license, what is  
7 that you say? I mean how would you want this  
8 issue for crime to be addressed?

9 MR. MCKINNON: Well, if the Board give  
10 -- they honor the liquor license, there should be  
11 some way that put in the community to curb not  
12 only the nightclub, is something that can bring  
13 something positive out of the neighborhood  
14 because if we read the Washington Post, they  
15 bought it as a negative. Can we flip it and  
16 bring something to the neighborhood positive.  
17 And that's my concern.

18 Anybody that knows that neighborhood,  
19 has been a bad reputation even though we are  
20 striving better now than we ever before, like  
21 they quote about the building. I'm pretty sure  
22 if the congregation of St. Philip would have  
23 probably approached the other churches around  
24 there, they would have probably came together to  
25 bring the building up to code. But due to

1 circumstances, like the Pastor stated, we still  
2 live in our separate world, and you didn't go out  
3 searching for help.

4 CHAIRPERSON ANDERSON: All right. Let  
5 me ask you a question. Are you familiar with the  
6 Club Elevate?

7 MR. MCKINNON: I heard of it but I'm  
8 not familiar with it.

9 CHAIRPERSON ANDERSON: Okay. All  
10 right. All right. Any questions by any of the  
11 board members?

12 MEMBER SHORT: Just one question.

13 CHAIRPERSON ANDERSON: Yes, Mr. Short.

14 MEMBER SHORT: Mr. McKinnon, good  
15 afternoon. No good evening now.

16 MR. MCKINNON: Yes, good evening.

17 MEMBER SHORT: You've heard a lot of  
18 testimony here today.

19 MR. MCKINNON: Yes.

20 MEMBER SHORT: And 1005 North Capitol  
21 Street was built by the government, correct?

22 MR. MCKINNON: That's correct.

23 MEMBER SHORT: And that's funded by  
24 tax payers, correct?

25 MR. MCKINNON: That's correct.

1                   MEMBER SHORT: So a thriving business  
2 on that corner that's well run that's going to  
3 have police in front of it all the time pays more  
4 taxes so we can build more buildings to help more  
5 people, is that correct?

6                   MR. MCKINNON: I would as a degree.  
7 Yes, I agree with that.

8                   MEMBER SHORT: Okay. No further  
9 questions. Thank you for being honest. Thank  
10 you, sir.

11                  CHAIRPERSON ANDERSON: All right. Mr.  
12 O'Brien, any questions? Mr. Blanchard?

13                  MR. BLANCHARD: No further questions.

14                  CHAIRPERSON ANDERSON: Mr. McKinnon,  
15 thank you very much for your testimony. You can  
16 step down.

17                  MR. MCKINNON: Thank you.

18                  CHAIRPERSON ANDERSON: Mr. Blanchard,  
19 do you rest?

20                  MR. BLANCHARD: Yes, that concludes  
21 our case in chief.

22                  CHAIRPERSON ANDERSON: All right.  
23 Thank you. Mr. O'Brien, I think you said you had  
24 rebuttal -- I'm not sure what you're trying to  
25 rebut, but you said you have rebuttal witnesses.

1 MR. O'BRIEN: Yes. The first one will  
2 be William Maidan.

3 CHAIRPERSON ANDERSON: William Maidan.  
4 All right. I'm trying not to -- for them not to  
5 make a lair out of me. So I'm hoping that we  
6 could start my other one at 6:30, okay. From  
7 that prospectus. Mr. Maidan, right?

8 MR. MAIDAN: Yes.

9 CHAIRPERSON ANDERSON: Can you raise  
10 your right hand please, sir? Do you swear or  
11 affirm to tell the truth and nothing but the  
12 truth?

13 MR. MAIDAN: Yes.

14 WHEREUPON,

15 WILLIAM MAIDAN

16 was called as a witness by Counsel for the  
17 Applicant and, having been first duly sworn,  
18 assumed the witness stand, was examined and  
19 testified as follows:

20 CHAIRPERSON ANDERSON: Have a seat,  
21 sir, and pull the microphone close to you. And  
22 when you speak, you're speaking to us, not to --

23 MR. MAIDAN: Okay.

24 CHAIRPERSON ANDERSON: -- Mr. O'Brien.  
25 Your witness, Mr. O'Brien.

1 MR. O'BRIEN: Thank you, sir.

2 DIRECT EXAMINATION

3 BY MR. O'BRIEN:

4 Q State your full name please.

5 A My name is Willie J. Maidan.

6 Q And what is your profession, Mr.

7 Maidan?

8 A I'm an architect.

9 Q Where is your practice?

10 A Washington, D.C.

11 CHAIRPERSON ANDERSON: Pull the  
12 microphone closer, sir, because I can't --

13 A Washington, D.C.

14 Q For how long?

15 A About 41 years.

16 MR. O'BRIEN: Members of the Board, I  
17 invite your attention to our Exhibit A18, it's  
18 Mr. Maidan's resume. I'd like to qualify him as  
19 an expert. What is your educational background,  
20 Mr. Maidan?

21 MS. MAIDAN: Well, I went to  
22 architecture school, undergraduate.

23 CHAIRPERSON ANDERSON: Mr. Maidan, you  
24 know, I assume you're being put on here as an  
25 expert, right?

1 MR. MAIDAN: Yes.

2 CHAIRPERSON ANDERSON: Well, this is  
3 your opportunity to shine, sir. I need to hear  
4 what you're saying, okay?

5 MR. MAIDAN: Oh, okay.

6 CHAIRPERSON ANDERSON: No, I'm  
7 serious. I mean I don't understand who doesn't  
8 want to talk about themselves.

9 MR. MAIDAN: Okay.

10 CHAIRPERSON ANDERSON: So this is your  
11 opportunity to talk about yourself, sir, so I  
12 want to hear.

13 MR. MAIDAN: I'm not very good at  
14 talking about myself, but I'll try my best.

15 CHAIRPERSON ANDERSON: Well, today you  
16 need to be very good about talking about  
17 yourself, sir.

18 MR. MAIDAN: I'll try my best.

19 CHAIRPERSON ANDERSON: Okay? All  
20 right.

21 MR. MAIDAN: Okay. Can you hear me  
22 through the microphone now?

23 CHAIRPERSON ANDERSON: Yes, it's  
24 better.

25 MR. MAIDAN: Okay.



1 MR. O'BRIEN: I'll stand over here.

2 CHAIRPERSON ANDERSON: All right.

3 MR. O'BRIEN: Okay.

4 BY MR. O'BRIEN:

5 Q Mr. Maidan, what's your educational  
6 background, sir?

7 A Okay. I attended school of  
8 architecture at Howard University from 1970 to  
9 1975. Graduated top of my class, got a  
10 scholarship to MIT.

11 Q What is MIT?

12 A MIT is Massachusetts Institute of  
13 Technology, School of Architecture. And got a  
14 master's of architecture in 1977. Came back from  
15 MIT and took a teaching job at Howard University,  
16 School of Architecture in the spring -- in the  
17 fall of 1977. Stayed there for the next 10  
18 years.

19 Started Maidan and Associates in the  
20 mid-80s, although I was freelancing before that  
21 time. But in the mid-80s I officially opened the  
22 firm in D.C. Been in D.C. all my life basically.  
23 Didn't grow up in D.C. but I came here as a  
24 teenager and stayed here and went to college.  
25 And taught --

1           Q       Other than Howard University, have you  
2 taught at any other institutions?

3           A       Yes, I did. The first year after  
4 graduating from MIT, I took two jobs. Georgia  
5 Tech and Howard University, and I commuted.  
6 Those were the days were you could fly without  
7 having to take shoes off. I could run on a plane  
8 while they were pulling the stairs up on the  
9 plane, on Eastern Airlines and Delta Airlines.

10          Q       And what type of positions did you  
11 hold at Georgia Tech?

12          A       I was an assistant professor of  
13 architecture, and --

14          Q       Any other higher institutions --  
15 institutions of higher learning?

16          A       No, I mean after college, it was  
17 Georgia Tech, then it was Howard University. And  
18 when I left Howard University, I took another  
19 teaching job because I missed teaching at that  
20 time at Prince George Community College. I  
21 created a construction management course,  
22 developed a construction management course at PG  
23 College. And stayed there a few years. And then  
24 when the work in the office got so busy, I just  
25 couldn't do both, so I just stopped teaching and

1 went back and did guest lectures from time to  
2 time which is what I still do.

3 Now after those years in my firm we've  
4 done many, many different kinds of projects, high  
5 quality projects I should say. We are old school  
6 type designs. We use a lot of high quality  
7 materials like masonry and concrete. A lot of my  
8 projects have been in historic districts, and a  
9 lot of the projects have been special type  
10 construction projects like a new Pepco  
11 Substation, do work for Washington Gas, NIH.

12 If my voice cracks, it's just hot and  
13 I'm a little tired. It's a long day. And my  
14 body has been acclimated to winter time, but the  
15 heat makes me think it's summertime so I'm  
16 getting a little woozy because the heat is so  
17 high. Anyway, I mean we know how to fix that  
18 too. We can design that too to make that work.

19 But, anyway, a lot of the projects  
20 have been restaurants, special construction  
21 projects like substations, some clinics. We did  
22 some work on the D.C. General Hospital before  
23 they closed. We did a couple wards there, the  
24 AIDS wards for D.C. inmates holding cells. We  
25 did the cafeteria one time.

1           Q       All right, Mr. Maidan, I think I heard  
2 you mention historical properties.

3           A       Yes.

4           Q       What percentage, if you could  
5 estimate, of your present practice relates to  
6 renovation or rehabilitation of historic  
7 properties?

8           A       Okay. Now there are different types  
9 of historic properties, some are in the historic  
10 district, some are contributing historic  
11 buildings, some are landmark buildings. I would  
12 say -- and we do mostly renovation in D.C., so I  
13 would say about 50 percent to 60 percent.

14          Q       Okay. Have you testified as an expert  
15 witness on -- as an expert witness in  
16 architecture before courts?

17          A       Yes. Yes, a few times, yes.

18          Q       All right.

19                 MR. O'BRIEN: I would offer Mr. Maidan  
20 as an expert in architecture, Mr. Chair.

21                 CHAIRPERSON ANDERSON: Mr. Blanchard?

22                 MR. BLANCHARD: No objection.

23                 CHAIRPERSON ANDERSON: Go ahead,

24                 Mister --

25                 MR. O'BRIEN: I would then --

1 CHAIRPERSON ANDERSON: So moved.

2 MR. O'BRIEN: Okay, thank you.

3 BY MR. O'BRIEN:

4 Q Are you familiar with the St. Philips  
5 Baptist Church property at 1001 North Capitol  
6 Street?

7 A Yes, I am.

8 Q How did you become familiar with that?

9 A Well, John Guggenmos and I have worked  
10 together in the past and we met over there to  
11 look at the property and walk through it and see  
12 the actual building and see what was --

13 CHAIRPERSON ANDERSON: Pull the  
14 microphone closer to you, sir.

15 A -- to see what it looks like. I  
16 walked through the building, yes.

17 Q Okay. At John Guggenmos' request?

18 A At his request, yes.

19 Q What did John ask you to do?

20 A He asked me to walk through the  
21 building to see what I thought about it, see if  
22 it could be used and to see if the structure was  
23 okay, or what he may be facing as far as repair  
24 and making the building work for his intended  
25 use.

1 Q All right. And he told you what his  
2 intended use was?

3 A Yes.

4 Q What?

5 A A tavern.

6 Q Okay.

7 A And I've designed many taverns before.

8 Q Okay. In front of you, sir, is a  
9 binder, a three-ring binder.

10 A Yes.

11 Q Could you turn to page -- Exhibit A1  
12 please? Actually, I'd ask you to take a look at  
13 A1 through A5, all the way to 6, and then I'll  
14 ask you a single question after you've  
15 familiarized yourself with those exhibits. All  
16 right. Do you recognize those photographs?

17 A Yes, I do.

18 Q What do they depict?

19 A Well, it's the exterior and interior  
20 of the building at 1001.

21 Q Generally speaking, in what condition  
22 do you find that building presently?

23 A I don't understand. What condition  
24 you mean?

25 Q Yes, is it in great condition? Is it

1 in poor condition?

2 A Definitely not poor. No building  
3 that's 100 years old is in great condition. I  
4 can say that.

5 MEMBER SHORT: Closer to the mic,  
6 closer to the mic please.

7 A No building that's over 100 years old  
8 is in great condition, okay? It's impossible,  
9 physically impossible, but it's not in poor  
10 condition. I've seen much worse. The building  
11 is in fairly good condition I would say. Needs  
12 some work.

13 Q What kind of work?

14 A I would say it needs some brick work,  
15 some tuck pointing, which is common on an old  
16 building. You're looking at mortar joints that  
17 are hundred years old. You can probably rake it  
18 out so you tuck point it and it's like new again.  
19 But that's not critical work. That's regular  
20 routine type work.

21 Q Look at Exhibit A12 if you would  
22 please.

23 A Okay.

24 Q All right. I'll represent to you that  
25 it's been established in testimony that that was

1 just a portion of John Guggenmos' lease that  
2 relates to what we call landlord's work, what the  
3 landlord has to do. And I'd invite your  
4 attention in particular to point number two,  
5 replace the roof and roof membrane of the  
6 premises. Did you inspect the roof when you were  
7 there?

8 A Can't go up on the roof, it's too  
9 steep and I'm too old. But I can -- I didn't go  
10 up on the roof, no.

11 Q Okay.

12 A But I know that there was some roof  
13 leaks, which is not uncommon either in a building  
14 that hasn't been occupied in a while, and every  
15 building that we renovate, one of the main things  
16 we do is replace the roof.

17 Q Okay. Are you aware that a principle  
18 issue in this case is whether noise will emanate  
19 from a nightclub business inside the church and  
20 to the adjacent property? Are you aware that  
21 that's an issue?

22 A I've heard that --

23 Q Okay. All right.

24 A -- was possibly an issue.

25 Q What effect will have -- will putting



1 a new roof on the premise have on control of  
2 noise?

3 A Well, it would have a lot to mitigate  
4 the noise. But it's not just a new roof that  
5 would have to go here in order to satisfy the  
6 code requirements. You got insulation, you got a  
7 new roof. And the insulation on now is much more  
8 of a requirement than it used to be. So the  
9 insulation also would help mitigate and isolate  
10 the noise from the building through the roof. So  
11 it's not just the roof that we have to go back  
12 here by the time the thing is built, okay? So --

13 Q Other than the roof, what measures  
14 have you recommended to John Guggenmos in order  
15 to ensure that noise does escape his nightclub  
16 and penetrate into the adjacent residential  
17 building?

18 A Okay. Let me give you a little  
19 background, too, before I answer that, and then  
20 show you how, you know, we understand that kind  
21 of situation. On some of our buildings in D.C.,  
22 like I said, we do mostly renovation, okay? But  
23 some new buildings, too. And we've done  
24 buildings all over D.C. in almost every  
25 neighborhood.

1                   What comes to mind in this building,  
2 we did a Pepco substation nearby which is over on  
3 Eckington Place, a brand new building, next door  
4 to FedEx, the main FedEx headquarters on New York  
5 and Eckington is that street that goes to the  
6 left of the FedEx building and wraps around,  
7 okay?

8                   We did the substation there before  
9 those apartment buildings were built, but Pepco  
10 knew that those apartment buildings were coming.  
11 So part of my scope of work in my design  
12 requirement was to design a building, because the  
13 substation has four big, two story high type  
14 transformers in it and they hum all the time to  
15 generate electricity. And there was going to be  
16 some high-end condominium built across the street  
17 after at some point later and now -- I mean  
18 they're built now, but when we did the  
19 substation, they were not built just yet.

20                   So part of my design requirements was  
21 to design a building, isolate the sound to stay  
22 within that substation, and be no more than 35  
23 decibels at the property line. And that was the  
24 challenge that Pepco gave to me. I mean it was  
25 not a challenge for us, we know how to do it.

1 But it was a challenge that they thought it would  
2 be. It was a requirement.

3 So 35 degrees -- I mean 35 decibels at  
4 the property line you got four transformers that  
5 if you're ten feet from these transformers, you  
6 need to wear ear plugs. But the property line in  
7 this case was about -- I would say 40 feet away  
8 from the building on the north side, and probably  
9 25 feet on the south side which would be facing  
10 those condos.

11 Now before I get to the end, we  
12 achieved that. It worked. We had sound tests at  
13 the end of the construction, and, you know, Pepco  
14 was very critical and they walked around with  
15 little sound meters, and the sound meters  
16 measured ambient noise, too, like the noise on  
17 the street, but they were looking for a certain  
18 frequency from the transformers and it worked.  
19 You can't even hear it.

20 If you walk down the sidewalk in front  
21 of the building, you don't even know it's a  
22 substation. You can't hear anything. We use a  
23 lot of different combinations of materials, a  
24 substation is not occupied so we didn't have to  
25 be concerned about finishes as far as, you know,

1 it looking nice. If we put more finishes on it,  
2 if it was a regular building with more finishes  
3 on it, it would have made it even more sound  
4 proof. But we use sound block, and we put it at  
5 the right locations. The building has an open  
6 roof because you cannot put a roof over  
7 substations. Air has to circulate. I mean if  
8 the thing was enclosed, I mean nobody would have  
9 lights in that neighborhood over there because  
10 the thing would blow up, you see? So --

11 Q You mentioned sound block. What's  
12 sound block?

13 A Sound block is a masonry material with  
14 resilient materials on the inside of the block  
15 where it dampens the sound and it dampens  
16 vibration if something is touching it from  
17 allowing the sound to transmit from one space to  
18 the next space.

19 Q Okay. Now recommendations have you  
20 made to John Guggenmos regarding controlling  
21 noise at 1001 North Capitol?

22 A I have talked to John about different  
23 materials which is much more than the substation  
24 we're talking about here. The sound block is  
25 one. And I recommend the sound block on the

1 north side which is the side facing the apartment  
2 building next door, on the north side. Okay, I  
3 recommend the sound block on that side.

4           And then because the church -- it's a  
5 historic church, we cannot change the structure,  
6 you know? I mean there's a lot of historic  
7 significance there that we would not get through  
8 permits if we did certain things on the outside  
9 of that church. So the structure on the outside  
10 of the church basically has to stay the same. So  
11 the sound proofing, the sound block will be on  
12 the inside of the church, and mainly on the north  
13 wall.

14           Another sound material, and that sound  
15 block will be finished in this case with another  
16 sound proofing type of material. So it will be  
17 the sound block plus a nice looking finish. The  
18 substation don't need finishes. But this will  
19 have a nice looking finish. And then on the west  
20 side which is the entrance part of the church, we  
21 will be using another type of sound material  
22 because you got a big window in the front.

23           But on that side, you have North  
24 Capitol which is a public street and across the  
25 street you got public things, too. And sound

1 would not come from North Capitol and make a  
2 right turn and go north. It's going to go in  
3 that same direction, you see? So there will be  
4 another sound proofing material on the North  
5 Capitol Street side on the inside of the church.

6 So basically there will be an interior  
7 decorating task on the inside to cover up the  
8 sound proofing materials, but the interior  
9 decorating material will also be soundproof. So  
10 you have a double type of soundproofing there.

11 Q Okay. The sound block along the north  
12 wall --

13 A Yes.

14 Q I understand that to be the wall  
15 closest to the 1005 North Capitol.

16 A Yes, I don't know the address, but I  
17 know --

18 Q Yes.

19 A -- you know, we know --

20 Q The next building over?

21 A The next building over, yes. Yes, we  
22 know that. That's the building with apartments  
23 in it that we need to isolate, we know that much.

24 Q Okay.

25 A I don't know what's in it.

1 Q And would you be putting in the sound  
2 block from floor to ceiling --

3 A Yes.

4 Q -- inside --

5 A Inside.

6 Q -- the church?

7 A Inside. We can't do it on the  
8 outside, the historic preservation -- this  
9 building as significant historic values here.

10 Q Okay. All right.

11 A So it will be on the inside.

12 Q Okay.

13 A Yes.

14 Q Are you aware that the two -- although  
15 the two buildings are very close, very, very  
16 close, they don't actually touch. Are you aware  
17 of that?

18 A Yes, I am.

19 Q Okay, what's the significance of that  
20 with respect to control of sound?

21 A Sound travels with air and also  
22 travels through transmission, vibration. By the  
23 fact that the buildings do not touch makes it  
24 better for sound proofing and sound isolation.  
25 So let me see if I can give you an example.

1           If you're touching something and you  
2 got vibration going through what you're touching,  
3 it makes a sound but it's a different kind of  
4 sound. But it's the sound that need to be  
5 dampened also. One good example will be like if  
6 you were driving on the Beltway you see these  
7 sound walls. Okay. The sound walls on the  
8 beltway is to protect the sound from the houses  
9 that borders that beltway, okay? And one example  
10 of how that works is that if you put that wall --  
11 you got the beltway where you got heavy traffic,  
12 cars blowing their horns and vibrations and  
13 everything, and you got the houses maybe 100 feet  
14 away. A right location to put that wall is  
15 closest to the Beltway, not closet to the houses.

16           So the analogy in this case is to put  
17 the sound wall inside of the building, you got a  
18 space between the building and the next building,  
19 and I mean that's why I know that it will work.  
20 I mean we've done a thousand times, you see? But  
21 the sound absorbing source need to be closer to  
22 the source of the sound, not to the source -- I  
23 mean not to the point where you want the sound to  
24 be isolated from.

25           So inside of the church, I propose a



1 wall using sound block, and the sound block now  
2 have improved since the sound block where we did  
3 the substation with. And then have the interior  
4 designer or interior decorator, whatever you want  
5 to call it, to put some nice finishes on the  
6 inside which will also be a sound absorbing  
7 material.

8 Q Okay. The church front's on North  
9 Capitol Street, the church building I should say.

10 A Yes.

11 Q With a long street along K Street.

12 A Yes.

13 Q Okay. Would it be feasible to reroute  
14 customer entrance and departures through doors,  
15 new doors on K Street?

16 A Well, two things come into play.  
17 Being a historic building it's unlikely that the  
18 Historic Board will let you cut new doors in the  
19 wall of that building. Second of all, from what  
20 I can see, the building will have more than 50  
21 occupants. You need two means of egress. And  
22 those two means of egress need to be separated so  
23 that they don't behave like one means of egress.

24 Like for instance, the two doors on  
25 North Capitol Street side are so close together,

1 in case of an emergency, they're going to behave  
2 like one door. And in the case of an emergency  
3 what people normally do is try to leave through  
4 the same door that they came in, for one thing,  
5 but if there's another option, they will go to  
6 that option. And also, too, if there's a fire,  
7 you don't know where the fire's going to take  
8 place at. So you need two means of egress.

9 The code requires for more than 50  
10 occupant. But I like to do it for even less than  
11 50. But there's a rule of thumb and it used to  
12 be in some of the older codes like the BOCA 1999  
13 where it will need to be at least 25 feet apart,  
14 and that's still a good rule. It's not specified  
15 in the new code, but we still design by it. Like  
16 I said, we old school because it made sense. So  
17 North Capitol Street has one means of Egress.  
18 And then there's a side door that's already  
19 there, that could be used as a second means of  
20 Egress.

21 Now Egress and Ingress, it's the same  
22 thing. So you go in or you go out. Okay? So  
23 now the door on the K Street side is too small to  
24 be the main means of Egress because there's a  
25 formula per inches based on the number of

1 occupants. So the only way this can really work  
2 is to have one of the doors or both of the doors  
3 on the North Capitol Street side, it doesn't  
4 matter which one, which one of those two doors,  
5 at least one of them, and then the second door on  
6 the K Street side. That's the only way it can  
7 work. Now the fire marshal in D.C. going to  
8 probably agree with what I'm saying simply  
9 because that's how it works, you see?

10 Q Okay. What do you think the chance --  
11 put aside the code issues for a minute.

12 A Yes.

13 Q What do you think the chances are that  
14 the Historic Preservation Review Board would  
15 allow you to cut new doors on the K Street side?

16 A In my experience, very little, very  
17 nil. Not only that, that would have been -- if  
18 the building was just in the historic  
19 preservation district, this building is a  
20 landmark. So in a landmark building -- it's not  
21 a federal registered building, but it's a D.C.  
22 registered building which is the same thing. So  
23 it's very unlikely, very, very unlikely that they  
24 would allow a --

25 Q Has John Guggenmos told you that you

1 have to keep the cost of your sound proofing  
2 measures --?

3 A No.

4 Q -- Keep those costs low? Has he put  
5 a budget on you?

6 A No.

7 Q What has he told you?

8 A No. He didn't tell me -- he told me  
9 to design it and make it work.

10 Q Make what work?

11 A Make the sound work and make the  
12 building work.

13 Q I'm pretty sure at some point, you  
14 know, cost is always a factor, but, you know, I  
15 mean now -- now here's what I mean by that.  
16 There are some clients that I have that say,  
17 okay, here's my budget, I need to design within  
18 this budget, which in a case where there are many  
19 unknowns and you haven't started designing yet,  
20 and you got issues by the building being a -- you  
21 got to have some soundproofing in it and the  
22 building being a historic building, I think John  
23 did the right thing not to put any restrictions  
24 on it because what we always do anyway, we value  
25 engineering all of our projects.

1                   We do not sacrifice design. Like I  
2                   said in the beginning, we're old school. You  
3                   know, we design, you know, we don't use steel  
4                   studs and tie backs. We use brick and mortar,  
5                   and concrete. And so I would say that -- now he  
6                   didn't put any restrictions on it because he  
7                   knows that I would automatically design it from a  
8                   value engineering point of view.

9                   Q           Assuming that the landlord replaces  
10                  the roof with the installation required by code,  
11                  and assuming that your recommendations regarding  
12                  sound block on the north wall, and sound, I think  
13                  you said absorption materials --

14                 A           Yes.

15                 Q           -- on the other walls, assuming those  
16                  are taken --

17                 A           Yes.

18                 Q           And assuming that John engages a  
19                  qualified sound engineer for a consultant to  
20                  further address noise issues inside --

21                 A           Yes.

22                 Q           Taking all those together.

23                 A           Yes.

24                 Q           How confident are you that this  
25                  building can be designed or renovated I should

1 say --

2 A Renovated.

3 Q -- in such a manner as to preclude  
4 noise and vibrations seeping into the adjacent  
5 building?

6 A Basically 100 percent.

7 MR. O'BRIEN: Those are my questions.  
8 Thank you.

9 CHAIRPERSON ANDERSON: Mr. Blanchard?

10 MR. BLANCHARD: Yes. I just need to  
11 get up.

12 MR. MAIDAN: Oh, okay.

13 MR. BLANCHARD: I got to ask the other  
14 side.

15 MR. MAIDAN: Okay.

16 CROSS EXAMINATION

17 BY MR. BLANCHARD:

18 Q In order for no sound to be heard at  
19 the building next door, right, so there's been  
20 testimony previously about how the residents  
21 there are susceptible to sound. They go to bed  
22 early, they go to bed at 9 o'clock, okay?

23 A Yes.

24 Q And some of the standards that have  
25 been -- some of the desires that have been

1 expressed is that they don't hear noise in their  
2 building. So if they were to -- what's the best  
3 way to determine that the noise can't be heard  
4 once the building is built? In other words, you  
5 know, when you build a building and then you test  
6 all the systems after it's built to make sure  
7 that it's built as designed, what would you  
8 recommend?

9 An Okay. Well, that's like an open  
10 question. What kind of noise us talking about?  
11 We talking about noise from the street or noise -  
12 -

13 Q No.

14 An Ambient noise, noise from music?

15 Q No, not ambient noise from the street.  
16 Not ambient noise from the general neighborhood,  
17 but noise generated either in the building  
18 itself, or there's a summer garden that would be  
19 outside.

20 An A summer garden on the K Street side?

21 Q K Street side, yes.

22 A Well, the K Street side I don't --

23 Q But my question is testing.

24 A I mean how -- would it be tested?

25 Q What do you recommend? Yes.

1           An     Oh, there are firms that test that,  
2     that do that.

3           Q     All right.

4           A     They have sound equipment and they are  
5     --

6           Q     But in your experience in building  
7     design of things?

8           A     We did the same thing with the Pepco  
9     Substation. It was tested.

10          Q     Right. That's why I was -- that's why  
11     I was --

12          A     It was tested.

13          Q     -- Going there.

14          A     And --

15          Q     So in order to prove -- would testing  
16     be the best way to prove it?

17          A     Yes.

18          Q     Okay.

19          A     After it's built, you have to do it,  
20     and then you have to have a mock scenario. Say  
21     like, you know --

22          Q     Yes. Turn on the sound system.

23          A     I would tell John to --

24          Q     Yes.

25          A     -- Put his band in there and turn it



1 up loud as it goes and see what you hear.

2 Q Okay.

3 A He's like --

4 Q No, I agree with you about your two  
5 means of egress and the doors acting as one door,  
6 and the exit path requirements.

7 A Yes. And --

8 Q It's in the code.

9 A In fact, one of the code requirement  
10 that we have to create an egress plan.

11 Q Right.

12 A You know, you've seen in some  
13 buildings where it says you are here and it shows  
14 the way to the next exit.

15 Q Shows the red line out the door.

16 A That's correct.

17 Q Yep. And have you ever had a case  
18 with a historic building where you've gone to the  
19 Mayor's Agent for Historic Preservation and  
20 appeal of the Historic Preservation Review  
21 Board's decision?

22 A No, I've never had to appeal. I've  
23 only had cases where I might have to go back  
24 twice or a few times because what we do is that  
25 we solve that problem up front. We meet with the

1 --

2 Q Yes, the staff.

3 A -- Appropriate people and the staff,  
4 the agencies, the --

5 Q But are you aware --

6 A -- All the planning --

7 Q Are you aware there is an appeal  
8 avenue --

9 An Oh, yeah.

10 Q -- If the board turns you down?

11 A Yes.

12 Q Okay.

13 A Yes. But we don't plan to use it. We  
14 don't plan to need it.

15 Q No, I understand.

16 A We're hoping we won't need it.

17 Q Right?

18 A Yes.

19 MR. O'BRIEN: Thank you. That's the  
20 end of my questions.

21 MR. MAIDAN: Okay.

22 CHAIRPERSON ANDERSON: All right. Any  
23 questions by the board members? All right.

24 Mister --

25 MR. BLANCHARD: Maiden.

1 CHAIRPERSON ANDERSON: Sorry, Mr.

2 Maiden. Now Mr. Maiden --

3 MR. MAIDAN: Yes.

4 CHAIRPERSON ANDERSON: Thank you very  
5 much for your testimony. You can step down, sir.

6 MR. MAIDAN: Oh, I can leave now?

7 CHAIRPERSON ANDERSON: You're free to  
8 go.

9 MR. MAIDAN: Oh, boy.

10 CHAIRPERSON ANDERSON: Thank you very  
11 much.

12 CHAIRPERSON ANDERSON: What's your  
13 last witness?

14 MR. O'BRIEN: Mr. Beam.

15 MALE PARTICIPANT: Mr. Beam.

16 CHAIRPERSON ANDERSON: Mr. Beam. Is  
17 that Mr. Beam? I think it is.

18 MR. O'BRIEN: Yes.

19 CHAIRPERSON ANDERSON: All right, Mr.  
20 Beam. Can you raise your right hand, please? Do  
21 you swear or affirm to tell the truth and nothing  
22 but the truth?

23 MR. BEAM: Yes.

24 WHEREUPON,

25 MARTIN BEAM

1 Was called as a witness by Counsel for the  
2 Applicant and, having been first duly sworn,  
3 assumed the witness stand, was examined and  
4 testified as follows:

5 CHAIRPERSON ANDERSON: All right.

6 Thank you. Your witness.

7 DIRECT EXAMINATION

8 BY MR. O'BRIEN:

9 Q State your full name please?

10 A Martin Jude Beam.

11 MR. O'BRIEN: I'd invite the attention  
12 of the Court to Exhibit A13, Mr. Beam's resume.  
13 We're going to qualify him as an expert.

14 CHAIRPERSON ANDERSON: An expert in  
15 what?

16 MR. O'BRIEN: In acoustical  
17 consulting.

18 CHAIRPERSON ANDERSON: Okay.

19 BY MR. O'BRIEN:

20 Q All right. Mr. Beam, what is your  
21 profession?

22 A Noise control, acoustical consulting.

23 CHAIRPERSON ANDERSON: Excuse me, Mr.  
24 Beam. You're speaking to us and speak in the mic  
25 please.

1           A       Acoustical consulting.

2           Q       What's your educational background,  
3 Mr. Beam?

4           A       I have a bachelor of science in  
5 mechanical engineering from Drexal University.

6           Q       All right. And what's your employment  
7 history?

8           A       I was hired by an acoustical  
9 consulting firm 31 years ago, and then that firm  
10 broke up and I went with the firm that left with  
11 it, and I've been working there ever since. So I  
12 have 30 years, 30 plus years of experience.

13          Q       Experience in what?

14          A       Acoustical consulting.

15          Q       What are some of the things that an  
16 acoustical consultant does?

17          A       We do a lot of new design, office  
18 buildings, high rise for multi-family  
19 residential. And we do a lot of corrective. We  
20 worked on the House and Senate chambers when they  
21 were -- after 9/11 when they wanted to get  
22 protected from nuclear/biological/chemical and  
23 they didn't want the noise to get any worse. We  
24 worked with the mechanical engineer to accomplish  
25 that. Worked in the Smithsonian, did a job in

1 the Oval Office. Just anything that has to do  
2 with acoustics or vibration.

3 Q All right. Have you experience in  
4 working with restaurants, taverns or nightclubs?

5 A Yes.

6 Q How much experience?

7 A Years now. Taverns and nightclubs  
8 weren't really a big portion of our business for  
9 years because they just would do it themselves.  
10 But now as people become more noise sensitive and  
11 especially since the outdoor -- since the smoking  
12 ban went into effect, a lot more business comes  
13 in from nightclubs and bars.

14 Q Why?

15 A Because they all want to have an  
16 outdoor smoking area.

17 Q Okay.

18 A And obviously that has some noise  
19 issues to the neighbors.

20 Q Have you testified previously as an  
21 expert witness?

22 A Yes.

23 Q In acoustical consulting?

24 A Yes.

25 Q Before courts?

1 A Yes.

2 Q How many times?

3 A More than a dozen times between  
4 different -- in courts, West Virginia, Virginia,  
5 Maryland, D.C.

6 Q Okay. Have you qualified as an expert  
7 witness in acoustical consulting before any  
8 administrative agencies?

9 A Yes, before ABRA and before the BZA.

10 Q All right. How many times have you  
11 qualified as an expert before this Board?

12 A Well, this current board, you mean  
13 just ABRA in general, or this current board?

14 Q Yes, the ABC Board.

15 A Oh, the ABC Board. Three or four  
16 times.

17 Q Okay.

18 MR. O'BRIEN: Mr. Chair, I offer Mr.  
19 Beam as an expert in acoustical consulting.

20 CHAIRPERSON ANDERSON: Mr. Blanchard?

21 MR. BLANCHARD: Actually, I've used  
22 Mr. Beam before as an expert.

23 CHAIRPERSON ANDERSON: So I guess you  
24 have no --

25 MR. BLANCHARD: I guess I can't

1 object.

2 CHAIRPERSON ANDERSON: Well, you  
3 always have that option, sir.

4 MR. BLANCHARD: But I just wanted to  
5 ask. Is there any license requirement in D.C.?

6 MR. BEAM: There is no license.  
7 That's why -- for anywhere.

8 MR. BLANCHARD: For anywhere?

9 MR. BEAM: Anywhere.

10 MR. BLANCHARD: Okay.

11 MR. BEAM: That's why I don't call  
12 myself an engineer because that's a professional  
13 -- you have to be a professional engineer.

14 MR. BLANCHARD: Okay. That's what I  
15 thought. I just --

16 MR. BEAM: Right.

17 MR. BLANCHARD: -- wanted to stay  
18 current on that question. All right, thank you.  
19 No objection.

20 CHAIRPERSON ANDERSON: So moved. Mr.  
21 Beam has been qualified as an expert. Go ahead,  
22 sir.

23 MR. O'BRIEN: Thank you.

24 BY MR. O'BRIEN:

25 Q Mr. Beam, are you familiar with the



1 building at 1001 North Capitol Street?

2 A Yes, I am.

3 Q Northeast, excuse me. How is it you  
4 became familiar with that building?

5 A The owner, John Guggenmos, called me  
6 to do the -- make sure that the sound was going  
7 to be good in there.

8 Q All right. By good, do you mean that  
9 the acoustics were going to be good?

10 A Both. Mainly he called me to make  
11 sure that the sound wouldn't escape the building.  
12 And then that was the primary thrust. Then he  
13 decided, well, we're going to work on the sound  
14 system and the interior acoustics and everything.

15 Q Okay. Have you inspected the building  
16 yourself?

17 A Yes, I have.

18 Q All right. Has Mr. Guggenmos put any  
19 constrictions on you as far as how much you can  
20 spend in order to achieve the goal of keeping the  
21 sound within the building?

22 A No.

23 Q A blank check?

24 A I mean we don't sell or install  
25 anything. So we design -- we always design it to

1 be the most cost effective we can. But there's  
2 been no physical restraints put on us as to how  
3 much the materials or --

4 Q He hasn't told you to cheap out?

5 A No.

6 Q Okay.

7 A Quite the opposite actually.

8 Q Okay. What recommendations have you  
9 made to Mr. Guggenmos?

10 A Well, first, so far we haven't, you  
11 know, gotten too deep into it because he's not  
12 even sure it's going to happen, but we did look  
13 at the building. We looked at the construction  
14 of the building, the masonry construction of the  
15 building, the masonry construction of the  
16 adjacent building, and drew up a couple of, you  
17 know, preliminary design options for building a  
18 room within a room basically.

19 Q What do you mean by a room within a  
20 room?

21 A Whenever you have a very loud source,  
22 you can't just use the walls of the space. We do  
23 a lot of -- I think pertinent to this discussion  
24 is we do a lot of these high intensity fitness  
25 studios that are going up in the city. And

1 they're all small and they're usually now a days  
2 in high residential buildings. So you can't just  
3 let that sound hit the structure of the resident  
4 of the surrounding structure or it will just  
5 drive the building, it will get everywhere. So  
6 we build another structure inside the structural  
7 structure to keep the sound inside that room so  
8 it doesn't reach the rest of the building. And  
9 those have been quite successful, and those are  
10 high decibel, and they're right in the actual  
11 building.

12 Q I invite your attention to the binder  
13 in front of you to pages A14 and A15. Let's  
14 start 14.

15 A Okay.

16 Q Can you tell the board what A14  
17 represents?

18 A This is a preliminary design option,  
19 so it shows the exterior wall which is brick,  
20 masonry. So very high mass which is always good  
21 in terms of containing sound. And then we're  
22 looking at a six inch stud, not in contact with  
23 the exterior wall, so that's where you get that  
24 room within a room so you don't want to -- if  
25 that stud was touching the outside wall, it would

1 transmit some of that vibration right through to  
2 that wall. So we keep it off of the wall leave  
3 an air space.

4 And then on the interior where the  
5 sound is going to be generated, we're looking at  
6 an inch of drywall which is called shaft wall.  
7 They use it for fire shafts and that's kind of  
8 thing. And then a finished layer of 5/8th inch  
9 drywall. So an inch and a half of drywall  
10 basically with fiberglass batt insulation in the  
11 cavity to absorb the sound if it gets inside the  
12 cavity.

13 Q Okay, the witness before you related  
14 that the intention is to build a sound block wall  
15 --

16 A Right.

17 Q -- along the north wall of the church  
18 building.

19 A Right.

20 Q Up against the brick wall, the  
21 exterior brick wall. Where would you depict it  
22 go in that context?

23 A Well, the stud and the drywall is the  
24 sound block wall. So the exterior wall, so  
25 you're keeping it off the exterior wall, and then

1 the stud steps in and then the drywall. That's  
2 your noise barrier.

3 Q Okay. Would you look at Exhibit A15  
4 and tell the Board what that depicts?

5 A That's where the existing windows are  
6 going to be on the building. At the time we were  
7 tasked to do this, it wasn't clear whether they  
8 were going to try to keep the windows be able to  
9 be seen from inside or if it was going to be  
10 completely closed off. So we have a couple of  
11 options that we drew up. Well, we actually only  
12 drew up this one option, but it's very similar to  
13 the other option.

14 So it has that noise barrier wall  
15 above and below the window, and as an interior  
16 pane of glass, has a half-inch temper glass, and  
17 then an exterior -- well, not exterior but on the  
18 exterior side of the wall would be a half-inch  
19 laminated glass. But in this case because they  
20 don't -- it's come out that they're not going to  
21 want to look at the windows from inside. So  
22 instead of the half-inch laminated glass, we'll  
23 probably go again with the -- probably the one  
24 inch shaft wall and then that big air space, and  
25 then the half inch tempered glass.

1           Q       There's been testimony that although  
2 the two subject buildings are very close, very  
3 close, they don't touch.

4           A       Right.

5           Q       And that there is some air between the  
6 two buildings. What is the significant of that  
7 in the context of sound control, preventing sound  
8 from emanating from the church building into the  
9 adjacent residential building?

10          A       Well, we're still going to have these  
11 walls are designed, you don't want the two  
12 structures touching. The two structures are  
13 touching, more sound is going to transmit through  
14 because sound hits a wall and vibrates the wall,  
15 and then it would go through the stud or it would  
16 go through the masonry if it was touching. But  
17 since they're -- so by the same token while we're  
18 not touching our interior wall to our exterior  
19 wall, since our exterior wall is five feet away  
20 from their exterior wall, that's just a huge air  
21 space, and so the sound is going to dissipate.  
22 There's no direct connection.

23                   It's similar to how we design windows  
24 at the airport. Most windows are an inch thick  
25 with a half-inch airspace. They're not very good

1 at stopping sound as you probably know when  
2 trucks and stuff drive by. If you take that,  
3 when you do something on high exterior noise  
4 source, maybe have a four or five inch air space.  
5 And just that four or five inch air space is  
6 huge. Even though the windows are technically  
7 connected by some structure, they're held into  
8 the same frame. That makes a huge difference.  
9 Whereas this, they're not even connected and  
10 we're five feet apart, so with massive  
11 construction on each side. So that's going to be  
12 quite effective.

13 Q And would you turn to page A4E in the  
14 binder?

15 A Okay.

16 Q Do you recognize that photograph, what  
17 it depicts?

18 A Yes.

19 Q All righty. There's been testimony --  
20 if you look over the roof of the church, there's  
21 been testimony that what you see in lighter on  
22 the left, and then darker tan on the right, is  
23 the masonry exterior of the building to the  
24 north. And I believe the testimony is it runs  
25 from the second floor up through the 11th floor.

1       What is the significance of having that existing  
2       masonry wall in the context of prevention of  
3       noise seeping out of 1001 and into 1005?

4             A       Well, that's huge because sound,  
5       especially low frequency sound, you need mass to  
6       really stop it. Lots of people think, oh, you  
7       got to absorb it. But if you don't stop it in  
8       the first place, you can't absorb it enough. So  
9       this is very massive and without any  
10      penetrations, I mean you couldn't really ask for  
11      a better situation from our standpoint. I mean  
12      it's, you know, makes it very achievable.

13            Q       There's been testimony in this case  
14      that the landlord as part of the renovation of  
15      the property will install a new roof, which we've  
16      been told requires a certain amount of insulation  
17      to satisfy code. Assume that that is  
18      accomplished please. Assume that the sound block  
19      wall is constructed. Assume that the room within  
20      a room that you're recommending is constructed,  
21      and assume that we have that, what, eight or nine  
22      story concrete wall several feet from the church  
23      wall. Assume all of those together.

24            A       Right.

25            Q       How confident are you that the



1 possibility of sound emanating from the church  
2 building, sound or vibration emanating from the  
3 church building into the adjacent residential  
4 building can be precluded?

5 A Oh, 100 percent. I mean this -- you  
6 couldn't get a much better situation at stopping  
7 sound than, you know, if one side's really  
8 flimsy, then your side -- the other side has to  
9 be super massive. And now that both sides are  
10 actually massive, I mean you just can't ask for a  
11 much better situation to stop the sound.

12 Q Thank you, sir.

13 MR. O'BRIEN: Thank you.

14 CHAIRPERSON ANDERSON: Mr. Blanchard.

15 CROSS EXAMINATION

16 BY MR. BLANCHARD:

17 Q Mr. Beam, so you're being retained to  
18 provide a design.

19 A Right.

20 Q Not to actually build the  
21 improvements?

22 A Right. We don't sell or install  
23 anything.

24 Q Okay. And then there was testimony  
25 previously when you were outside that there is in

1 some places just a gap of a matter of an inch or  
2 two above grade. What if the -- there's been an  
3 exhibit introduced that shows the buildings touch  
4 or at least the rear of the buildings touch at or  
5 below grade. Do you have a concern about the  
6 transmission of noise from one building to  
7 another in that circumstance?

8 A No, because the -- we also do this --  
9 any time you change material, there's an  
10 impedance mismatch so the sound doesn't really  
11 like to jump that gap even if they're touching.

12 Q So it's all the same material

13 A If it was all the same material, then  
14 it would -- with no breaks, what we do, again,  
15 fitness centers, say, in strip malls where  
16 they're all the same common slab, and --

17 Q Right. Dropping the weights after  
18 they're lifted.

19 A Right, dropping the weights. And if  
20 you don't --

21 Q It's that big sound wave, it goes  
22 through the floor.

23 A Exactly. And that slab on grade which  
24 on grade is very good at stopping sound anyway.  
25 It doesn't really transmit because you got the

1 earth you're trying to drive which is very  
2 difficult. So on those situations we solved that  
3 by saw cutting the slab. And just saw cutting  
4 the slab and putting an expansion joint in, it  
5 solves that. And so in this situation they would  
6 have to have some kind of a joint between those  
7 two different, you know, materials.

8 Q All right. Thank you.

9 MR. BLANCHARD: No further questions.

10 CHAIRPERSON ANDERSON: Any questions  
11 by any board members? Mr. Beam, thank you very  
12 much for your testimony, sir. You can step down.

13 MR. BEAM: You're welcome.

14 CHAIRPERSON ANDERSON: Now does the  
15 applicant rest?

16 MR. O'BRIEN: I'd just like to move  
17 our exhibits, Mr. Chair.

18 CHAIRPERSON ANDERSON: What are the  
19 exhibits you're asking? All the ones that we  
20 went through?

21 MR. O'BRIEN: Yes, all the ones we  
22 went through. I don't think we -- I don't think  
23 we introduced number 10. But I think everything  
24 else was authenticated by a witness.

25 CHAIRPERSON ANDERSON: Any objection,

1 Mr. Blanchard, to the introduction -- they move  
2 all -- of all the evidence except --

3 MR. BLANCHARD: All with the exception  
4 of Number 10.

5 CHAIRPERSON ANDERSON: Of 10, yes.

6 MR. BLANCHARD: That's fine.

7 CHAIRPERSON ANDERSON: So moved. All  
8 right. Do you have a rebuttal witness?

9 MR. BLANCHARD: No, I'm not going to  
10 call a rebuttal witness.

11 CHAIRPERSON ANDERSON: Okay. Thank  
12 you. Are you ready for closing?

13 MR. BLANCHARD: I'd just like to --  
14 just to make sure on our witness list, we did not  
15 move Exhibit 2 which is just the board's license  
16 for Club Elevate.

17 CHAIRPERSON ANDERSON: I'm sorry, hold  
18 on.

19 MR. BLANCHARD: We'd like to include  
20 that in the record as it's a public record.

21 CHAIRPERSON ANDERSON: What document?

22 MR. BLANCHARD: It's Plaintiff's  
23 Exhibit 2, it's a copy of the Elevate's license.

24 CHAIRPERSON ANDERSON: Which is --

25 MR. BLANCHARD: Just to show -- just

1 for the purpose of showing what hours they  
2 operate.

3 CHAIRPERSON ANDERSON: Well, what is  
4 it -- I don't know -- if you have the document in  
5 front of you, why didn't you put it in the  
6 record? Why don't you state what it is because I  
7 don't have -- I can't look at it right now?

8 MR. BLANCHARD: Okay.

9 CHAIRPERSON ANDERSON: I know it's  
10 ABRA's record, so I don't think there should be a  
11 problem, but --

12 MR. BLANCHARD: It is merely a copy of  
13 Club Elevate's current license and a copy of  
14 their settlement agreement. All I'm interested  
15 in is the license itself.

16 CHAIRPERSON ANDERSON: Okay. Well,  
17 it's part of ABRA's -- it's part of our record,  
18 so we can take administrative notice of that.

19 MR. BLANCHARD: And we did not move --  
20 we did not include Exhibit 3. We didn't have --

21 CHAIRPERSON ANDERSON: All right.

22 MR. BLANCHARD: We hoped to call a  
23 witness on that to lay the foundation for that.

24 CHAIRPERSON ANDERSON: All right. So  
25 I'll take the -- I was about to say that I saw

1 there were a lot of colored pages that we never -  
2 -

3 MR. BLANCHARD: Yeah, that's Exhibit  
4 3.

5 CHAIRPERSON ANDERSON: All right. So  
6 --

7 MR. BLANCHARD: So everything else is  
8 in the record except for -- oh, Exhibit 7 which I  
9 asked Mr. Guggenmos about in his cross.

10 MR. O'BRIEN: We consented to that  
11 admission.

12 MR. BLANCHARD: Okay. So I didn't  
13 formally move it into the record.

14 MR. O'BRIEN: I think so.

15 MR. BLANCHARD: Okay.

16 CHAIRPERSON ANDERSON: All right. So  
17 we'll move all the exhibits for the Protestant  
18 with the exception of Exhibit 3.

19 MR. BLANCHARD: Thank you.

20 CHAIRPERSON ANDERSON: Without  
21 objection. All right. All right. Closing, each  
22 side will have a maximum of five minutes to  
23 close. And we start with the Applicant.

24 MR. O'BRIEN: I was brief when I  
25 started, and I'll try to be brief again. Not all

1 nightclubs are bad, notwithstanding one of the  
2 witnesses that I tangled with slightly, it's how  
3 they're run. And what you have here is someone  
4 with a 29-year track record in this city of  
5 running nightclubs responsibly and quietly.  
6 I'll ask the Board a rhetorical question. When's  
7 the last time that two ANC commissioners come in  
8 and testify in favor of an application? Very  
9 seldom, I submit.

10 As established by the testimony of the  
11 expert witnesses, the applicant is very, very  
12 sensitive to the need to preserve the tranquility  
13 of life in the adjacent residential properties.  
14 They're prepared to go to great lengths to do  
15 just that. The building is in terrible shape. I  
16 hadn't even thought of what Chief Short's  
17 questions of the witnesses suggested, that the  
18 building in its present shape actually puts the  
19 residential building -- the church building in  
20 its present shape actually puts the residential  
21 building in jeopardy. And the thing has to be  
22 fixed up as Mr. McKinnon barely agreed.

23 You've got a dark desolate corner  
24 there, and that's what attracts crime. A well-  
25 lit building with plenty of coming and goings,

1 you won't have street crime there. It'll make  
2 the neighborhood safer. But I keep on coming  
3 back and I'll conclude with the same  
4 observations. Not all nightclubs are bad. Some  
5 are, and the Board has to deal with those. But  
6 John Guggenmos' nightclubs are all responsibly  
7 run and there's no reason to believe that this  
8 one will not be run just as responsibly.

9 Now John's testimony was that he met  
10 three times with ANC committees and whatever, but  
11 could never get anywhere with respect to  
12 negotiating a settlement agreement. Just, no, we  
13 don't want you. Now that's the choice that the  
14 protestants made, and I don't think it's  
15 appropriate for the protestants to come in at  
16 this point to say, well, if you give the license  
17 that then, now, for the first time in this  
18 hearing room, the hearing process, now let's come  
19 up with a list of conditions you want to propose.

20 If every licensee, every applicant and  
21 every protesting group adopted that approach  
22 you'd have to have a hearing like this in every  
23 single case instead of 90 percent plus being  
24 settled by a settlement agreements. So what I'm  
25 trying to say is I don't think the protestors



1 should be rewarded for hard lining this by giving  
2 them a boat load of concessions at the end.  
3 We're asking that the license be granted as  
4 applied for.

5 CHAIRPERSON ANDERSON: Tell me what it  
6 is because I was looking for a placard but I  
7 can't find it because I want you to be specific  
8 what was applied for.

9 MR. O'BRIEN: I'm sorry, the new  
10 nightclub?

11 CHAIRPERSON ANDERSON: No, I'm saying  
12 like the hours and stuff because I couldn't find  
13 the placard in the -

14 MR. O'BRIEN: Okay. The hours of  
15 course of alcohol served is for two and three.  
16 But the hours of operation applied for were four  
17 during the week and five on weekends. And Mr.  
18 Guggenmos testified that's what they had at Town.  
19 And the benefit of that is you don't push a hoard  
20 of people out onto the street at 3 o'clock in the  
21 morning. And we all know Club Central at  
22 Connecticut and M, that's where the trouble  
23 starts.

24 When everybody hits the street at the  
25 same moment, so fine, you stop serving alcohol

1 when the law says, that is at two or three, and  
2 you let people just gradually drift out. They  
3 want to dance for a while longer? Fine, let  
4 them. They want to drink water or red bull? Let  
5 them. And it's a soft closing. And it's less  
6 disruptive on the neighborhood.

7 And the reason for the summer garden  
8 hours being the same is to control where people  
9 go out to smoke or make their phone calls or  
10 whatever. Otherwise, they end up on the street.  
11 And that's the last place we want them or the  
12 Protestants want them, out on North Capitol  
13 Street. Even if they're not breaking bad.  
14 They're just talking, chatting, talking on their  
15 phones, that's the type of thing that causes  
16 disruption. And that's the reason for the summer  
17 garden. And note please, that the summer garden  
18 is on the K Street side. It's shielded from the  
19 residential by the church building itself. Those  
20 were the hours Mr. Chair, I believe that the  
21 interior capacity is like 545.

22 CHAIRPERSON ANDERSON: 524. I have --

23 MR. O'BRIEN: Yes.

24 CHAIRPERSON ANDERSON: -- the  
25 information --

1 MR. O'BRIEN: Okay.

2 CHAIRPERSON ANDERSON: -- in front of  
3 me. Certainly.

4 MR. O'BRIEN: One half of what the  
5 capacity was at Town, the original Town on 8th  
6 Street, and you heard the ANC commissioner and a  
7 resident directly across the street, a medical  
8 doctor, come in and testify the place was never  
9 any trouble. Have I answered your questions, Mr.  
10 Chair?

11 CHAIRPERSON ANDERSON: Yes.

12 MR. O'BRIEN: So our request is the  
13 application be granted as filed. Mr. Guggenmos  
14 already has agreed and we'd not object to a  
15 condition that all queuing, that is people  
16 waiting to get in be away from 1005, and instead  
17 around the corner onto K Street. But the other  
18 conditions that were proposed, as I said  
19 belatedly, in this case are not acceptable such  
20 as closing the nightclub at midnight. So if  
21 that's really, Mr. Chair, what I have to say.

22 CHAIRPERSON ANDERSON: All right.  
23 Thank you, Mr. O'Brien. Mr. Blanchard.

24 MR. BLANCHARD: The Protestants have  
25 presented evidence, testimony that show that its

1 concerns are those of residents who not only live  
2 in the community and have dealt with the  
3 community as it's evolved over time, but that the  
4 community is still evolving. And that their main  
5 concern is a nightclub is not the right evolution  
6 for this community or for this building. Even  
7 though it would make it safer, hopefully, the  
8 structure of the building, the landlord is  
9 already fixing the structure. That's great.

10 But Mr. O'Brien and his client have  
11 asked you to assume, assume and assume again.  
12 They had put on witnesses that spoke very  
13 eloquently about how to design something or  
14 renovate something. But until it actually  
15 happens and is tested, that noise can't be heard,  
16 you know, forgive me, my mother was born in  
17 Missouri in St. Louis, and that's the Show Me  
18 State. And so the reason conditions like that  
19 you would expect, and hope the Board would impose  
20 just to prove that once it's built before a  
21 license is issued if the Board decides not to  
22 deny the license, is that the noise cannot be  
23 heard next door during a sound test where the  
24 results are shared with the parties.

25 There was testimony about the original

1 Town summer garden or sidewalk café having a  
2 solid noise barrier like a wall or a fence. Here  
3 you're talking about some planters and bushes. I  
4 don't disagree that the church will block some of  
5 the sound, and that the construction of the Ker  
6 Conway building will mitigate some of the sounds.  
7 But until you prove it, don't issue the license.

8 And I understand wanting to have a  
9 smoking area, and things like that, but a  
10 sidewalk or a summer garden that stays open till  
11 four or five at night is not going to be quiet  
12 even if there's no music piped out there. The  
13 human voice by itself you're going to have people  
14 congregating as they leave and making noise. And  
15 that happens no matter what kind of nightclub it  
16 is, or no matter what neighborhood it is. And so  
17 my clients go to bed at nine o'clock, and have a  
18 lot of issues that are not as peaceful as the  
19 rest of us.

20 So in sum, I would say that with  
21 respect to noise there's still a potential for  
22 noise and attracting loitering and criminal  
23 activity of persons who are not patrons but would  
24 come to the area seeking to take advantage of the  
25 patrons maybe having a cocktail or two.

1                   And we didn't get into traffic, but  
2                   there will be some traffic there, and although we  
3                   disagree with the ANC we think the appropriate  
4                   place for that if the Board were to grant the  
5                   license, is to put some kind of condition that  
6                   says you don't have a drop-off zone right in  
7                   front of my client's building entrance because  
8                   they are in the afternoons, on the weekend, or in  
9                   the evenings still taking the bus to go  
10                  somewhere, or walk over to Union Station, or  
11                  anywhere else in the neighborhood. And to the  
12                  extent that those two populations can have a  
13                  meaningful distance between them so that they are  
14                  not adversely impacted would be helpful.

15                  So in sum, we don't think that the --  
16                  the evidence, while promising, is not proven  
17                  until it's actually done. And the capacity of  
18                  the license is 524, 124 of those people are  
19                  supposed to be in the summer garden, the other  
20                  399 are inside. The total occupancy I think was  
21                  524 according to the liquor license.

22                  MR. O'BRIEN: Since counsel is looking  
23                  at me and raising his eyebrows. No, those are  
24                  two separate numbers.

25                  MR. BLANCHARD: Two separate numbers?

1 MR. O'BRIEN: Yes.

2 MR. BLANCHARD: Even --

3 MR. O'BRIEN: The 500 whatever inside,  
4 and 125 in the summer garden.

5 MR. BLANCHARD: Yeah. So if the Board  
6 were to grant the license, we would like a  
7 reduction on the capacity and a reduction on the  
8 hours, and especially for the hours in the summer  
9 garden area. And proof that the noise cannot be  
10 heard.

11 I think my clients are understanding  
12 that off-duty police officers acting as security  
13 guards provide some degree of safety, but their  
14 job is limited. They're not protecting the whole  
15 neighborhood. They're just protecting the  
16 establishment. I'm not asking the applicant to  
17 protect the whole neighborhood. But I'm asking  
18 the board to look at the impact of the  
19 establishment's operation on the neighborhood.  
20 That concludes my statement.

21 CHAIRPERSON ANDERSON: Thank you, Mr.  
22 Blanchard. Do the parties wish to file a  
23 proposed findings of fact and conclusion of law,  
24 or waive their right?

25 MR. COURTNEY: If I may --

1 MALE PARTICIPANT: Yeah.

2 CHAIRPERSON ANDERSON: Do you want to  
3 -- oh.

4 MR. COURTNEY: If I'm allowed.

5 CHAIRPERSON ANDERSON: You are always.  
6 You can always -- you've been here --

7 MR. COURTNEY: I've been holding my  
8 tongue for a while.

9 CHAIRPERSON ANDERSON: You have been  
10 here the entire time so, yes, sir, you can.

11 MR. COURTNEY: I'll try to be brief.  
12 I'm a frequent patron of the former Town and Mr.  
13 Guggenmos' other establishments. I don't  
14 question that I think he's raising it well. But  
15 he's asking you to approve a liquor license for  
16 one of the largest establishments in the District  
17 of Columbia for very long hours, next to a  
18 building designed to provide shelter for some of  
19 the most vulnerable people in the District.  
20 Those who are most vulnerable to the impacts of  
21 noise, of crowds, of commotion that even a well-  
22 run nightclub will bring to our neighborhood.

23 If this was two blocks away, we would  
24 not be having this conversation. I would welcome  
25 this in our community. I think it could be a



1 real benefit. But I think the costs of this are  
2 going to be borne by a population that should not  
3 be asked to bear them, and that's why the ANC is  
4 asking you to deny the license. We think that we  
5 want to be able to stand with those residents and  
6 say that we really protected them and the  
7 building that they've gone out of their way to  
8 build.

9 CHAIRPERSON ANDERSON: Thank you, sir,  
10 for that representation. Yes?

11 MR. O'BRIEN: Do I have a rebuttal?

12 CHAIRPERSON ANDERSON: Well, this  
13 doesn't apply.

14 MR. COURTNEY: It's a closing  
15 statement.

16 MR. O'BRIEN: Actually, normally you  
17 do. Closing argument, you usually get a rebuttal.

18 CHAIRPERSON ANDERSON: There is no  
19 rebuttal of, you know, the cheat seat they gave  
20 me, there is no -- I see it says Applicant's  
21 closing statements, Protestant's closing  
22 statement, and then I speak. I don't see.

23 MR. O'BRIEN: I don't know who wrote  
24 that cheat seat?

25 FEMALE PARTICIPANT: The former GC.

1 MR. O'BRIEN: The former GC, I heard  
2 that from the peanut gallery there.

3 CHAIRPERSON ANDERSON: And so that's  
4 what -- those are the instructions they gave. I  
5 think Mr. O'Brien, we've been here. I believe  
6 that the board understands where the parties lie.  
7 So I --

8 MR. O'BRIEN: Very well.

9 CHAIRPERSON ANDERSON: I believe, I  
10 don't think it's necessary.

11 MR. O'BRIEN: I withdraw my request.

12 CHAIRPERSON ANDERSON: Thank you, sir.  
13 So do the parties wish to file proposed findings  
14 of fact and a conclusion of law, or waive their  
15 right to do so?

16 MR. O'BRIEN: I'm willing to waive if  
17 everyone else is.

18 CHAIRPERSON ANDERSON: Mr. Blanchard?

19 MR. BLANCHARD: My client's not here  
20 to instruct me one way or the other. My  
21 preference is always to do that, but --

22 CHAIRPERSON ANDERSON: So --

23 MR. BLANCHARD: I'll rely on the --

24 CHAIRPERSON ANDERSON: Thank you for  
25 that, sir. All right.

1 MR. BLANCHARD: -- for making a  
2 prudent decision.

3 CHAIRPERSON ANDERSON: All right.  
4 Thank you. Thank you for that. All right. All  
5 right. As chairperson of the Alcoholic Beverage  
6 Control Board for the District of Columbia in  
7 accordance with DC Official Code Section 2574(b)  
8 of the Open Meeting Act. I move that the ABRA  
9 Board hold a closed meeting for the purpose of  
10 seeking legal advice from our counsel on case  
11 number 19-PRO-00100, Town 2.0 LLC to be  
12 determined pursuant to D.C. official code section  
13 25749(b) of the Open Meetings Act and  
14 deliberating upon case number 19PRO-00101, Town  
15 2.0 LLC to be determined for the reasons cited in  
16 D.C. official Code Section 2574(b)13 of the Open  
17 Meetings Act. Is there a second?

18 MEMBER SHORT: Second.

19 CHAIRPERSON ANDERSON: Mr. Short has  
20 seconded the motion. I will not take a roll call  
21 to vote to the motion before us now that it's  
22 been seconded. Ms. Crockett?

23 MEMBER CROCKETT: I agree.

24 CHAIRPERSON ANDERSON: Mr. Cato?

25 MEMBER CATO: I agree.

1 CHAIRPERSON ANDERSON: Mr. Short?

2 MEMBER SHORT: I agree.

3 CHAIRPERSON ANDERSON: Mr. Anderson.

4 I agree. As it appeared that the motion has  
5 passed, I hereby give notice that the ABC Board  
6 will recess these proceedings to hold a closed  
7 meeting in the ABC Board conference room pursuant  
8 to section 2574(b) of the Open Meetings Act. I  
9 believe because it's a new license I believe that  
10 we will issue a decision within 45 days. I --

11 MALE PARTICIPANT: No.

12 MALE PARTICIPANT: Yes.

13 CHAIRPERSON ANDERSON: Within 60 days,  
14 the Board will issue a decision. But, you know,  
15 we make our decisions quickly. But I want to  
16 thank the parties for being here today and  
17 present their case. And I also just wanted to  
18 let both sides know that the Board listens to  
19 you, the community, they listen to the Applicant,  
20 and we'll try to make a decision that we believe  
21 is in the best interest of the residents of the  
22 District of Columbia.

23 As I said earlier, since none of work  
24 -- live in this neighborhood we're going to make  
25 a decision and move on. That's why I always

1 prefer when you have settlement agreement because  
2 everyone will leave and be happy. But one side  
3 is going to be happy and one side is going to be  
4 unhappy. But we're going to make a decision and  
5 try to make the decision that we believe is in  
6 the best interest and we'll see. Again, thank  
7 you very much for being here today and for  
8 presenting.

9 MR. O'BRIEN: Thank you.

10 MR. BLANCHARD: Thank you, Mr. Chair.

11 CHAIRPERSON ANDERSON: All right.

12 (Whereupon, the above-entitled matter  
13 went off the record at 7:17 p.m.)  
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In the matter of: Town 2.0

Before: DCABRA

Date: 12-04-19

Place: Washington, DC

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Court Reporter

**NEAL R. GROSS**

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