IN THE MATTER OF: : 
West Dupont Circle : Public Hearing 
Moratorium Zone Renewal : :

Wednesday, 
July 24, 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 
MIKE SILVERSTEIN, Member 
JAMES SHORT, Member 
RAFI CROCKETT, Member

ALSO PRESENT:

DANIEL WARWICK, CHAIR OF ANC 2B 
GLENN ENGELMANN, PRESIDENT OF THE DCCA
Chairperson Anderson: The next case on our calendar is a Public Hearing on the West Dupont Circle Moratorium Zone Renewal.

Would all parties with this case, please, step forward?

Okay. We are here today pursuant to DC Official Code § 25-354 to conduct a Public Hearing and receive testimony on a written request from Advisory Neighborhood Commission, ANC-2B to amend and then extend the West Dupont Moratorium for another three years.

By way of background, the existing moratorium is set to expire on October 27, 2019 pursuant to DCMR 23-307. On June 19, 2019, ANC-2B submitted a properly adopted resolution requesting that the Board extend the moratorium as it currently exists, but with an exemption for the space known as the Dupont Underground.

The Dupont Underground is a District-owned former streetcar station located below
Square 114E, Lot 0800, and below the right-of-way of Dupont Circle, N.W., and Connecticut Avenue, N.W.

The exemption would allow for the licensing of nightclubs in the Dupont Underground space which is otherwise prohibited by the moratorium.

The Board will hear Chairperson Daniel Warwick, who is the only witness who notified the Agency regarding his desire to speak to this matter.

I will then open the hearing to questions from the Board.

And, Mr. Warwick, can you -- do you need to make a statement? Introduce yourself for the record, please, and let us know what your position is.

And there is a sign-in sheet, please, sign in.

MR. WARWICK: Absolutely, I have signed in. Thank you, Chairperson Anderson and Members of the Board. I am Daniel Warwick. I am
Chair of Advisory Neighborhood Commission 2B, which is Dupont Circle, as well as the commissioner for almost the entirety of the Moratorium Zone.

My colleague, Commissioner Silverstein, is on the other side of the table, but represents two blocks within the Moratorium Zone. However, he was not a party to any of these current discussions.

I'm joined here by Glenn Engelmann, who is President of the Dupont Circle Citizens Association, who I believe would also like to speak after I am --

CHAIRPERSON ANDERSON: Sure.

MR. WARWICK: -- finished speaking.

So the West -- the Dupont Circle West Moratorium Zone has been around for a long time. For about 20 years, it existed as a cap on all sorts of license types.

In 2013, the Alcohol Beverage Control Board at the request of ANC-2B, based on the leadership of my predecessor, Commissioner Kevin
O'Connor, tried to relax the requirements of the West Dupont Moratorium Zone and lifted -- and asked the Board and the Board granted a lifting of the restrictions on restaurant licenses.

P Street, this is -- West Dupont is primarily focused on the node at P Street and 21st Street, so P Street between Rock Creek Park and Dupont Circle.

The neighborhood has changed since the moratorium was initially created, just as retail has changed across the District and nationwide and dare I say worldwide. We have gotten more food and beverage focused. We don't have a hardware store.

As retailers changed, the character of the neighborhood has also changed a little bit where we used to have a lot of late night activities on P Street. Really, the number of taverns and nightclubs and late night establishments had -- is diminishing, so even the burger place isn't really open all that late most nights any more.
That is a good thing for a lot of people if you are really concerned about noise and being able to sleep at night, the milling on the street, that's a really good thing, but it also means that there is not as much of a need for restrictions on the alcohol licensing of certain late night establishment types.

And that's where 2016 came in when we requested the Board lift the restrictions on all license classes except nightclubs. Nightclubs have been limited to zero nightclubs within the Moratorium Zone area and where what was controversial three years ago was lifting the restriction on taverns.

In 2016, we had four taverns. One of them -- one with a license that was in safekeeping. Now, we have two active taverns from a maximum of six that was allowed in the moratorium area, so I think we are okay on that.

The question remains now as the Moratorium Zone only applies to nightclubs, is it worth continuing? Is it worth having the
continued protection of no nightclubs? We think
the answer is yes and would really appreciate the
Board continuing the Moratorium Zone.

P Street is a very mixed-use area.
There are apartments next to retail
establishments on top of retail establishments
and the noise burden of living next to a
nightclub isn't just what you can hear from the
establishment, it's also what happens outside of
the establishment that isn't always directly
attributable to the establishment, but when you
have a few establishments on the block, it is all
attributable.

And everything not in necessarily the
Show Cause Parlance, but definitely in the
parlance of I'm a neighbor and I want to sleep at
night.

All that being said, we do recognize
that nightclubs do have a place in the District
of Columbia and we do recognize that Dupont
Circle is a regional destination. And as part of
that, we recognize that if you are going to have
a nightclub in this area, it should be
underground and it should be in an area that is
not really impacting anyone.

    That's where Dupont Underground comes
in. It has had a long history of under-
utilization. I reached out to DMPED who is the
District Agency that owns the underground, the
former trolley station. I reached out to the
Dupont Underground organization, which is
currently using, currently has a lease for the
space and depending on where you draw --
depending on what the address is for the western
platform, the platform is in part of the
Moratorium Zone.

    However, the entrances are part of the
Moratorium Zone. So because Moratorium Zones are
three or five year processes, we just want to get
ahead of this. We are not saying a nightclub
should go there, but we are saying that if there
is going to be a nightclub anywhere in this area,
that's where it makes sense.

    And if that is a use that is needed to
make the space viable and something that can be
used as a regional attraction, then we'll have it
there.

So that's where this request comes
from. Six years ago, we asked for a relaxation
of the moratorium on restaurants. Three years
ago we asked for a relaxation on everything
except nightclubs.

When the Moratorium Zone was
established, it didn't apply to hotel licenses.
I think now we are at a really good stable place
that really benefits the neighborhood and we just
want to make sure that the one final tweak about
involving the Dupont Underground is something
that would allow a use there, even if it's not
compatible at 21st and P, it is compatible
underground under Dupont Circle.

And I'm available to answer any
questions.

CHAIRPERSON ANDERSON: All right.
Thank you, Mr. Warwick.

Can you introduce yourself, sir?
MR. ENGELMANN: Sure. My name is Glenn Engelmann. The first name is spelled G-L-E-N-N last name spelled E-N-G-E-L-M-A-N-N. As Daniel said, I'm President of the Dupont Circle Citizens Association. I also reside at 1412 Hopkins Street, which is about two-thirds of a block off of P Street, the area in question. DCCA and I personally support the position of the ANC. P Street is an active area with a number of restaurants and a couple of taverns, but it's also a very narrow area. A lot of residences. 21st Street is a narrow street. There are a couple of hotels there, which can create traffic issues. There is not a great deal of parking. So we don't see that area as being amenable to nightclubs generally.

I would also point out the area is only a couple of blocks from the so-called "Club Central District," so for those who want nightclubs, there are several located in relative close proximity.
As Mr. Warwick said, however, we do recognize that the Dupont Underground is in such a location and candidly would benefit from some more utilization that we are supportive of relaxing the moratorium in the event the underground should see fit to develop a nightclub establishment there.

That's far enough away from the vast majority of the residences that we don't foresee a problem.

CHAIRPERSON ANDERSON: All right.

MR. ENGELMANN: So I'm happy to answer questions as well.

CHAIRPERSON ANDERSON: All right.

Thank you. Mr. Warwick, please -- maybe you had done this in your testimony, give me the boundaries again of the moratorium.

MR. WARWICK: Yes. The Moratorium Zone is approximately 600 feet from the intersection of 21st and P Street, N.W. It goes through a variety of blocks. The retail corridor boundaries are essentially Rock Creek Park, 23rd
and P, to Dupont Circle along P Street. It does
go down to Newport Place, but there is no retail
really south of P Street, and it does go up to R
Street and Hillyer Place, but there is no retail
that way.

Previous moratoriums have exempted the
1500 Block of Connecticut Avenue, so where the
PNC Bank is as well as the portion along New
Hampshire Avenue and Dupont Circle where it does
hit Dupont Circle itself and does include a few
buildings on Dupont Circle.

What we are really talking about is
the area from 20th and P to 22nd and P, that retail
node starting from -- there is a book store and
Pizzeria Paradiso all the way to The Fireplace
and there is a statue of someone, whom I forget
the name of, right next to The Fireplace on P
Street.

CHAIRPERSON ANDERSON: So basically
within the Commercial Zone it doesn't appear that
there are any of the viable business locations,
maybe I'm -- for a nightclub. I'm asking.
MR. WARWICK: So, yes. So there is a viable business location. Actually, about a year and a half ago, someone reached out to me about putting a nightclub in the former Apex location, which is between O and P Street along 22nd Street. It was recently renovated. It is 10,000 square feet. It has been sitting vacant for about three years.

They said -- this person who reached out to me said they wanted a nightclub with the potential for nude entertainment, which, number one, wouldn't be allowed under any ABRA Regulations, because it's so close to where people live.

But number two, you could put a nightclub there. Previously there was also a tavern, Omega, in the alley of -- between P and O and 21st and 22nd. There was also quite a large tavern, Marrakesh, at 2147 P Street, although that is being turned into apartments, as well as about a 3,000 square foot retail space.

There are places that a nightclub
could go and a quite large nightclub and the only place that we feel really comfortable as a neighborhood is -- as a representative of the neighborhood is within a space that is underground and away from where people live.

    MR. ENGELMANN: Yeah. And to be clear, the Omega now is a residence.

    MR. WARWICK: Yeah, Omega, someone lives there now, but it is a large 5,000 square foot space.

    CHAIRPERSON ANDERSON: Okay. I guess what I'm trying to find out is why do we need a moratorium? Why don't we just -- since it's just nightclubs, because if someone applies for a license, the ANC could easily protest it and the Board would either grant or deny because it would be a new license.

    So why is it you need a moratorium when you still have -- since it's just one class of license that we are talking about, the ANC has all other -- the ANC can -- they have -- they can
always protest it and then the Board would decide
based on the protest whether or not it would
grant the license.

MR. WARWICK: Absolutely. Because
it's a protection we have had for several years.
Quite frankly, the moratorium has existed longer
than I have been alive. It is an important
neighborhood protection on P Street and for the
residences there.

There is concern with the way -- from
several neighbors there is concern with the
processes of how enforcement works at ABRA, with
how often -- with how infrequently licenses are
not granted if there was an incompatible license,
in this case a nightclub, we haven't had a
nightclub license there in at least 27 years.

If you remove the restriction of zero,
who knows how many could come in. Probably one
or maybe two. There is just a concern of being
so close to Club Central, so close to other
areas. It used to be such a large late-night
destination. There are still issues with
establishments on the block that are taverns on
the block that it really is import -- it feels
really important to a lot of people who have been
in the neighborhood for a long time to continue
the protection that the moratorium has,
especially on nightclub establishments.

It's an additional protection above
and beyond everything else. Is it something we
would be asking for right now if there wasn't a
moratorium in place? Probably not, but the
moratorium has been in place for a long time.
It's an additional layer of protection and it's
something we would like to keep.

MR. ENGELMANN: If I may, the only
thing I would add to that is it is hard to
foresee that that area is good for a nightclub.
So to set up a process where ANC has to protest,
DCCA has to protest, neighbors have to protest,
it just seems more efficient to just continue the
moratorium.

CHAIRPERSON ANDERSON: All right.

Yes, Mr. Silverstein?
MEMBER SILVERSTEIN: Looking at the history of this, it appears as though the ANC and DCCA and others have worked over the years to loosen the moratorium, that it went into place when there was a streetscape that tore up the entire area for over a year and forced a number of retail businesses out of business.

And there was genuine fear, at that time, that the entire area would be overrun simply by people who were selling Budweiser at 2:00 in the morning, because other people couldn't sustain themselves while people literally walking over a war zone, because of the work that they were doing, ripping up and putting in new infrastructure that hadn't been put in for close to 100 years in some of those places.

And over time, what you had done is you had loosened it up and worked with the community, with ABRA, with especially the folks in the nightlife community to try to make this palatable.

Do you feel that it is important to
keep the nightclub thing in there, basically,
just so that you don't have to fight the war?

MR. WARWICK: Yes. There is a long
history in Dupont Circle of various different
opinions about late night establishments,
particularly nightclubs. There is a long history
of citizen associations and the ANC, frankly, not
being on the same side in front of different
boards and agencies.

Keeping the prohibition on nightclubs,
keeping the moratorium on nightclubs is really
important, because if not, it could open up
Pandora's Box when a nightclub does want to come
in. And I say when because someone reached out
to me about it and there are spaces that could
accommodate it.

I think the request that you see in
front of you is a recognition of we have tried
over the past six years to make it so we are
accommodating all users, retail users, restaurant
users, taverns as well as the people who want
those amenities. It's just the final and most
intensive use of nightclubs. It's something that
we are just not comfortable with.

    We appreciate the additional
protection, because we know that there will be a
time when a nightclub is going to want to come
in. It will be a long protest process. It will
be a hard protest process. There are no
guarantees with a protest process, but there are
guarantees with a moratorium and it only applies
to one class of license.

    And that's -- and even though it only
applies to one class of license, we are
affirmatively carving out an area where we say it
is okay for them to go in. So we are doing that
not to shrink it so that it's unimportant, we are
doing it because we do recognize that we do need
to create a place for a nightclub in this area,
if it's appropriate, but there are other portions
where it frankly isn't appropriate.

    And we don't want to deal with that,
because we know that it will happen at some
point.
MEMBER SILVERSTEIN: How much of this area is within an Historic District?

MR. WARWICK: All of it is within an Historic District.

MEMBER SILVERSTEIN: So the residents who live nearby and in some cases next door, would have limits on windows, what they could put in, limits on things that would involve sound mitigation in their own homes?

MR. WARWICK: Yeah. My goodness it is so difficult to replace a window in an Historic District. In a lot of areas, buildings are built or renovated. You have triple-pane windows. You turn on the air conditioning, it's fine. In Dupont Circle, that is a long and arduous process and often times at the front of your building if it faces the street, you can't do that, because you can't get a triple-pane window that is historic.

It is -- this is just West Dupont. We have had the moratorium for so long, it is a protection that we would like to keep. And it is
something that really fits our neighborhood and
the character of our neighborhood.

MEMBER SILVERSTEIN: Okay. Yes, go
ahead.

MR. ENGELMANN: I was just referring
to something Commissioner Silverstein mentioned.
I think we have achieved a good balance. You
know, when I first got involved in DCCA, there
was a lot of arguments over maintaining the
limits on taverns.

I think the street now has a nice mix.

Restaurants, we've got some more restaurants
coming in. As Daniel has said, you know, my
block butts up against P Street. They are all
houses, including my own, in the Historic
District. It would just be difficult to make
adjustments.

At the same time, the neighborhood
changes. We recognize nightlife is important to
the District. You know, when this issue came up
about well, the underground and some of the
entrances might be within the moratorium, you
know, it made sense that DCCA, as did the ANC, that yeah, that's the location for something like a nightclub, something to regenerate the use of that space.

And it is going to have marginal, if any, impact on the residences. So let's make that change, but, you know, I would urge the Commission not to upset the apple cart that has achieved a reasonable balance when there really isn't that much. You know, there may be the one location somebody might try to put a nightclub in, but that's going to generate a firestorm. That is not, you know, good use of anybody's time.

MEMBER SILVERSTEIN: You spoke of the balance and not upsetting the apple cart. And I would like to share with you a story that happened a little while back and it was in the building that you lived in at one time, Chairman Warwick, which was The August.

And there was a nightclub or not a nightclub, a tavern next door and I believe it
was then called Badlands, but it may have been
called something else, it went through a number
of iterations.

And you had an elderly woman with a
fixed income who was terribly concerned about the
fact that in the summer she had to keep a window
open, because it got too hot and stifling and yet
there was noise when the door would open and
people would come out of this nightclub and it
was keeping her up. And the folks from the
nightclub bought her an air conditioner and
installed it in her home and she didn't have to
keep the window open and the problem went away.

And that is the kind of equilibrium
that you have in the neighborhood. We haven't
had the fights over there that we have had in a
lot of other places and, since Marrakesh went
down, that is certainly something that is to be
desired.

You mentioned that you are not saying
that a nightclub should go in the Dupont
Underground, but that if the right circumstances
occurred, it could go there.

I should tell you right off the bat that the idea of having anything down there large, is something that would be more than problematic with ingress and egress, I see someone smiling next to me, but I would also agree that I wouldn't shut it off, but I guarantee you that that is something that would go through a very, very, very strict vetting.

The idea of having anything underground, you absolutely must have proper ways to get in and out, especially in an emergency.

MR. WARWICK: Absolutely. And just speaking to that, we see it as a carve-out of this. First of all, it's not actually in the zone. The space itself, however, an entrance on the western platform, may be within the zone depending on how addresses are calculated.

It would have to go through extreme vetting, a security plan would be essential, an ingress/egress plan would be essential. There would probably -- I can't speak for future
commissions, but there would probably be a very extensive protest process to understand how it could work.

Frankly, it is coming from a place of it is an under-utilized District asset and the organization that has a lease there hasn't been able to upgrade it, so it's accessible to everyone, so that there is correct safety. They are on a conditional Certificate of Occupancy.

In order for the space to operate effectively, to serve the neighborhood and the District of Columbia, something needs to happen. I personally don't necessarily think a nightclub is the right solution, but it's not so out of hand that it should be affirmatively not allowed is where we are coming from.

And it might not pass the smell test and it might be something that there are other parts of the regulatory process that would stop it anyway, but I just don't think the moratorium is the right place to stop it on -- to stop a nightclub or any ABRA establishment within the
underground space, because it will require very
creative financing and nightclubs tend to make a
lot of money.

MEMBER SILVERSTEIN: Yes, that's
exactly where I am. I really have serious doubts
it could ever happen that it is careful as could
be, but I wouldn't want to say no up front and no
forever up front for a space like that.

MR. WARWICK: There are places we do
want to say no forever up front and we had that
discussion like 27 years ago and that's why we
have the Moratorium Zone and we want to continue
that, particularly for nightclubs. This is just
one of the areas that this one specific place
where we think it might be okay to just not say
no up front.

MEMBER SILVERSTEIN: But it has been
reassuring that this is one of those places where
a moratorium has worked very well, that it has
served its purpose, that it has been loosened,
that you have worked with it and modified it,
that it is not set in stone and that there is
peace in the neighborhood and that both the
nightclub people and the folks who live in the
area are generally a peace with one another.

MR. WARWICK: Generally. I mean,

there are still --

MEMBER SILVERSTEIN: Sure.

MR. WARWICK: -- issues --

MEMBER SILVERSTEIN: Welcome to the

big city.

MR. WARWICK: -- with certain

establishments --

MR. ENGELMANN: Exactly.

MR. WARWICK: -- but that could just

be exacerbated a lot more if the moratorium --

MEMBER SILVERSTEIN: We're not
Sterling, Virginia and we don't want to be.

MR. ENGELMANN: Exactly.

MEMBER SILVERSTEIN: No further

questions, Mr. Chairman.

CHAIRPERSON ANDERSON: Mr. Short?

MEMBER SHORT: Yes. Good morning,
gentlemen, both of you. Mr. Warwick, you said
the underground has been under-utilized. Can you
-- I have it in my head some history, but can you
give me the history of why it was being under-
utilized?

MR. WARWICK: Yes. So up until 1962
it was an active streetcar tunnel and there were
stops for the Connecticut Avenue Streetcar. From
1962 to the mid-1990s it was vacant. It was used
as a bomb shelter at certain points. There were
issues in land ownership.

In the mid-1990s, the District granted
a lease to a certain person, who decided they
wanted to create Dupont Down Under, which was a
food court. It turns out people don't like going
downstairs to eat food necessarily. It closed
within six months. There were also some issues
with shady financing and that was well-reported
at the time.

MEMBER SHORT: Any safety issues?

MR. WARWICK: No safety issues that I
am aware of.

MEMBER SHORT: Can I ask you some
questions regarding that?

            MR. WARWICK: Yeah.

            MEMBER SHORT: Right now, how many entrances and exits are there to the underground?

            MR. WARWICK: Yeah, so right now the space that I'm talking about, the West Dupont area, there are zero. It's a 75,000 square foot space.

            MEMBER SHORT: I understand. How many exits and entrances are there?

            MR. WARWICK: Assuming they were all open, there are eight plus a ninth that would be --

            MR. ENGELMANN: Mr. Warwick, they are not all open right now. Right now, there are two entrances.

            MEMBER SHORT: Mr. Warwick, I have very extensive background in public safety in the city and I have been down there. And I rode the streetcar as a kid when the streetcar used to turn around under there.

            So how many people would be in the
nightclub under that underground?

MR. WARWICK: Each platform has a capacity of about 400 people.

MEMBER SHORT: So right now, there is only one way in and one way out. Is that correct? Right now.

MR. WARWICK: Correct, right now. However, right now only about 13,000 square feet is used and it's all on the eastern platform, not on the western platform.

MEMBER SHORT: Okay.

MR. WARWICK: This is assuming a future where there was probably egress and ingress. It is assuming a future of where, frankly, there is a leaseholder that can invest in the space or the District has invested in the space.

MEMBER SHORT: So can you understand my concern as a Board Member? Right now, you are talking about better than 400 people with only one way in and one way out underground. And if somebody really wanted to do something terrible
to the people under there, just one way down,
just in Washington, D.C. we are saying now not
when, but if -- it's when we are going to have a
terrorist attack.

And that would be one calamity. I
wouldn't want to have my name on at all. And I
want to go on public record just saying I'm not
against the underground. I'm not against
nightclubs there. But they would have to have
exits and egress commensurate, because if you are
talking about 400 people, you need about four or
five entrances and exits, that would be required
for an above-ground nightclub.

Underground would be even more than
that. Is there an emergency generator down there
now?

MR. WARWICK: I'm not aware. And just
to be clear, the space that I'm talking about,
the western platform has zero active entrances
and exits right now, because it is closed to the
public.

MEMBER SHORT: Yeah.
MR. WARWICK: And not used at all.

MEMBER SHORT: Okay. I'm asking you a question. Is there any emergency electricity down there now? So if you had a club down there right now and people were down there drinking and having a good time and a power outage happens, like happens in Dupont a lot of times, how would the people know how to get in and get out?

MR. WARWICK: I would assume as part of a safety plan a generator may be required by--

MEMBER SHORT: It's going to be required, I can tell you that. Yes, it is. But right now there is not one, correct?

MR. WARWICK: I am not aware. I am not the leaseholder or --

MEMBER SHORT: I understand.

MR. WARWICK: -- the occupant.

MEMBER SHORT: Is it being used now and for what purpose?

MR. WARWICK: The western platform is not being used and that's the only area that this resolution discusses. The eastern platform is
currently being used, conditionally, by the
Dupont Underground Organization for pop-up arts
and culture festivals and they have a CX License.

MEMBER SHORT: Yeah, I understand they
do. And again, my name appears on some of those
documents. And I have said it to the Board
Members in closed and I'll say it here publicly,
I really think that's a very unsafe idea right
now.

I think that you need to work with the
city and work with some engineers and work with
some people to make it so it's safe for the
visitors, for customers or whomever else goes
down there. I'm not against a nightclub. I'm
not against anything that is going to stop
business here in the city, but I have to go on
public record in saying right now, would you
consider it a very safe place to be under there?

MR. WARWICK: Well, right now it's not
-- the area we are discussing is not open to the
public.

MEMBER SHORT: I asked you a question
about safety. Is it safe? In your opinion, and I know you are not a public safety person, so you really know -- but you want to -- you were talking about a nightclub in a carve-out, is it safe in your opinion? Is it safe or isn't it?

MR. WARWICK: Right now under the current conditions?

MEMBER SHORT: Um-hum.

MR. WARWICK: No, because none of the ingress or egress is allowed. However, is there a possibility that it could be safe in the future with investments that could be allowed by a nightclub license? Potentially, it's, I think, a good enough shot that it is worth keeping as an option for the District.

MEMBER SHORT: So I heard your answer was no. And you are saying also that it could be if the additional safety features were put in. Is that correct?

MR. WARWICK: It could be under the right circumstances. I'm not an expert in the right circumstances. I'm an expert in the
MEMBER SHORT: Okay. I understand.

That's all I have, Mr. Chair. Thank you very much. I just wanted to go on the record.

CHAIRPERSON ANDERSON: Thank you, Mr. Short. Any other questions by any other Board Members?

I mean, this is not necessarily a discussion about the Dupont Underground, so I think it is whether or not that is a space for a nightclub or any type of business. I just think that as you were asking for an extension of the moratorium and you are saying that some -- if the Board decides to grant the moratorium, then you would ask that that specific area be exempt for whatever further development.

You don't want to impact the development in that area, that's correct?

MR. WARWICK: Correct. And the Board has already granted exemptions from the 600 feet rule on the 1500 Block of Connecticut Avenue as well as I believe it is 9 Dupont Circle or 7
Dupont Circle. There is a building on Dupont Circle that has an exemption as well on their New Hampshire Street frontage as well as the Dupont Circle Street frontage.

So this is not a new concept. It's just new because it's a unique space under National Park Service land.

CHAIRPERSON ANDERSON: My only concern, I don't know what any of the Board Members think, I'm not quite sure if just to extend the moratorium for another three years and it's just for a class of license when you have other options to prevent these type of establishments from license being granted for this particular -- that's just the only -- I'm thinking aloud.

If the larger class of license, I would fully agree and say sure, but it's --

MR. WARWICK: We will take a five year extension, too. I would note that this was the extension that was granted by the Board in 2016. So all we are asking for is the status quo that
was already granted by the Board in 2016.

CHAIRPERSON ANDERSON: I'll just say
my thought process, I have not made any decision.
I have not made any decision, just my thought
process.

And any other questions by any other
Board Members? Any final comments either party
decides to -- wants to make prior to closing this
hearing?

MR. ENGELMANN: Yeah, Mr. Chairman,
the only thing I would add to your comment is
Commissioner Silverstein mentioned is keep in
mind that this started out as a much broader
moratorium and we are down to one class through
experience and negotiation among the residents.

So it's not like we are asking for a
new moratorium. And again, I would just urge you
to -- we have a good balance. We have good
establishments. It is working. Let's not upset
the apple cart and just continue for three years.

MR. WARWICK: I would also urge in the
same vein we have a balance. We have a long
history of concerns. We have a long history of
loosening, so we are meeting the needs of
everyone involved in the nightlife and food and
beverage economy as well as the amenities that
people come to Dupont Circle and live in the
neighborhood for.

This is I think an example of a
moratorium having success. Not being extended on
all license types forever, but being extended
where it matters and where it counts and we
probably wouldn't be having the same discussion.
If it was about requesting a new moratorium, we
wouldn't be having the same discussion.

If it was requesting a change, if we
were requesting a change, there would be a lot
more people here and a lot of people who are very
cconcerned about removing the final restriction on
nightclubs. It is something that is really
important.

I think we have reached a place where
until it is okay for a nightclub to be right next
to where people are sleeping at night, until the
technology allows for sound mitigation like that in an Historic District and until there is enforcement that makes it not an issue, then having the moratorium is a really important protection for neighbors and it's a protection we would like to keep based on our long history of being a nightlife destination.

And I really -- I understand this is not the usual request that the Board receives with a moratoria and really appreciate all of you taking the time and being willing to consider our request.

CHAIRPERSON ANDERSON: All right. What's your name again, sir?


CHAIRPERSON ANDERSON: Mr. Engelmann?

MR. ENGELMANN: Yes. Do you want me to spell it?

CHAIRPERSON ANDERSON: No. No, I'm fine. Thank you.

MR. ENGELMANN: Sure.
CHAIRPERSON ANDERSON: All right.
Chairperson Warwick, I would like to thank you for being here today, for taking the time to express the views of the residents and making this request to the Board for its consideration of extending the moratorium for another three years.

And the Board will take it under advisement. So I thank you for being here today.

Mr. Engelmann, also thank you very much for also taking the time to come to the Board today to express the views of the residents of the community that you represent and the Board.

We take the concerns, the comments of -- for both the civic association and the ANC in making whatever decision that we make, because, again, we don't live in the neighborhood and so we take our lead from the representatives of the community to advise us what is the best decision to make.

And so again, I want to thank both of
you for being here today. And the Board will
take this matter under advisement and we will
make a determination on whether or not we will
grant the moratorium for another three years with
the carve-out, with just nightclubs and with the
carve-out of the Dupont Underground.

Okay. Thank you very much.

MR. WARWICK: Thank you.

MR. ENGELMANN: Thank you.

CHAIRPERSON ANDERSON: All right.

Thank you. This hearing is now closed.

All right. The Board then is in

recess. Thank you.

(Whereupon, the Public Hearing was

concluded at 10:49 a.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: West Dupont Moratorium

Before: DCABRA

Date: 07-24-19

Place: Washington, DC

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

__________________________
Court Reporter