

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

2 11:58 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 in our calendar is a fact finding hearing for The
5 Springs, License No. 120472.

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

13 CHAIRPERSON ANDERSON: Thank you.
14 Hold on one moment.

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

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

25 MS. FASHBAUGH: Latasha Stiger, your

1 rights have been elevated.

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

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

6 MR. KLINE: Great, perfect.

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

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

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

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

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

1 you Mr. Kline, since you are the designated
2 representative of the licensee.

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

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

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

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

15 MS. VALERO: Yes sir. Good morning,
16 Mr. Anderson, chairman. My name is Anna Valero,
17 A-N-N-A, last name V as in Victor, A-L-E-R-O, and
18 I'm the licensee.

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

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

1 Commissioner Romanowski.

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

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

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

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

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

19 MS. MENDIE: I am --

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

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

24 CHAIRPERSON ANDERSON: Thank you.

25 MS. STIGER: I am Latasha Stiger, L-A-

1 T-A-S-H-A, last name S-T-I-G-E-R. I work with
2 events, and partnerships for DowntownDC BID.

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

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

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

12 MR. ROMANOWSKI: Thank you so much.

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

21 On our calendar today was a request
22 from Ms. Valero. She had requested a one-day
23 temporary license. And it was also -- the agency
24 was informed overnight that the licensee wanted
25 to change her request from a one-day temporary

1 license to a -- from a temporary license to a
2 one-day substantial change for her license at I
3 think Kraken Axes, I believe that's the name of
4 the establishment.

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

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

21 And so since we're having this fact
22 finding hearing today, the Board intends to ask
23 some questions regarding the one day temporary
24 license that you had requested for April 2nd,
25 2022, for 500 attendees.

1 MR. KLINE: Yeah, if I may, I'd just
2 like to give an overview, and then I'll turn it
3 over to Ms. Valero and others to discuss the
4 specifics.

5 CHAIRPERSON ANDERSON: Go ahead.

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

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

22 It needs to be activated, it needs to
23 be programmed. There need to be reasons why
24 people will come there, and spend time in this
25 wonderful tract of large land in downtown D.C.

1 And I know the BID very much wants that, and as I
2 said, you'll hear from them. And my client very
3 much wants the opportunity to assist them with
4 that.

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

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

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

25 CHAIRPERSON ANDERSON: Mr. Kline, I

1 think you might have forgotten what I stated.
2 The purpose of this fact finding hearing is
3 because Ms. Valero, The Springs applied for a
4 permanent retailer class C tavern with an entity
5 of endorsement, and summer garden with 20,000
6 seats for Franklin Park. So, a permanent license
7 asking for 20,000 seats.

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

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

23 So, we're just gathering facts for us
24 to see whether, or not, if we have enough
25 information, then of course the Board will vote

1 to allow the process to go through. Meaning that
2 if we have enough information, then the Board
3 could vote to say it can be placarded for the
4 community to have community input. But it
5 doesn't make sense for us to have the community
6 input on the license if this licensee is not
7 authorized to have a license on this facility.

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

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

25 And so, because we have this fact

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

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

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

20 CHAIRPERSON ANDERSON: But Mr. Kline,
21 that is -- if the Board made the decision not to
22 move forward with that application on timeliness,
23 because it was untimely filed, if you're saying
24 that it was filed timely, then that's a different
25 analysis. Because the Board did not make any

1 type of substantive decision on the one day
2 substantial change.

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

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

16 CHAIRPERSON ANDERSON: All right, so
17 --

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

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

24 MS. MENDIE: Gerren Price.

25 CHAIRPERSON ANDERSON: Gerren Price

1 please.

2 MS. FASHBAUGH: This has been
3 accomplished.

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

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

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

17 MS. VALERO: I'm still here.

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

22 MS. VALERO: And if you can, just for
23 my own clarification, I do want to move forward
24 with the temporary license. I think one piece of
25 clarification is just which license is that?

1 We've been asked by ABRA to submit approximately
2 four, or five different licenses, which we have
3 done over the course of the last two months. And
4 so, I just want to be clear what we brought to
5 the floor --

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

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

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

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

24 MS. VALERO: Yes, and yes, we are
25 asking for that license.

1 CHAIRPERSON ANDERSON: So, can you
2 provide us some background information on what is
3 it you're requesting for that license, so we can
4 make a decision independently on that issue?

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

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

24 And it will be a DJ type of event,
25 with very -- again, similar up lighting of the

1 Instagram activations, and that will end by ten.

2 CHAIRPERSON ANDERSON: Now, you're
3 asking for, you want to serve alcohol. So, where
4 is it that -- and at least the license that you
5 requested, you were asking for alcohol sales from
6 12:00 p.m., to 10:00 p.m. So, where -- is there
7 a bar setup? Where is it that specifically on
8 the grounds would alcohol be served?

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

12 CHAIRPERSON ANDERSON: And so --

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

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

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

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

1 hours of the alcohol sales that you are
2 requesting?

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

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

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

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

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

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

25 MS. VALERO: The intention is to have

1 the alcohol limited to the tent area. So, the
2 west lawn of Franklin Park is a very delineated
3 space within the park. So, we have the intention
4 of having the area right outside of the tent, and
5 so alcohol service will only be in the tent. And
6 then there is a pathway that is hardscaped in the
7 park, and that will be the point where people can
8 enjoy alcohol on that west lawn.

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

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

18 MS. VALERO: We have both third party
19 security, and in addition, the DowntownDC BID has
20 11 trained ambassadors who work in the park
21 already. And so part of the security briefing on
22 the day of the event is letting people know,
23 along with signage, that you can't take alcohol
24 off the west lawn. And that will be that
25 hardscaped pathway will be patrolled by security,

1 and ambassadors.

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

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

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

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

20 MS. VALERO: Yes. So, as you noted
21 before, this is a really unique space in the
22 District, and it is technically National Park
23 Service land. National Parks gave essentially
24 the right to D.C. government the right to spend
25 18 million dollars renovating the park, they've

1 done a beautiful job. National Park Service has
2 a cooperative management agreement with the
3 DowntownDC BID in order to manage the operations
4 of the park.

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

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

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

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

23 MS. VALERO: They run -- and this
24 would be a question for the BID, I believe they
25 run on three month terms, and so it starts April

1 1st, and runs for the consecutive three months.

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

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

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

14 MS. STIGER: Stiger.

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

23 MS. STIGER: Yes. I serve as a
24 partnerships, and event associate, mainly for
25 Franklin Park. So, in conjunction with Anna, and

1 her team, I do events for the park. And so, I am
2 the one who actually submits the permit to
3 National Park Service, and receives the permit
4 from National Park Service. And so I submitted
5 this permit months ago, and we have the site
6 permit for Q3 of this year in hand.

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

9 MS. STIGER: Sorry, third quarter.
10 So, the permit begins on April 1st, and goes
11 through for the next three months, the end of
12 June.

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

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

24 CHAIRPERSON ANDERSON: And so does the
25 permit cover this specific event on April 2nd?

1 MS. STIGER: Yes, it does sir.

2 CHAIRPERSON ANDERSON: All right. Any
3 question by the Board members? I know that this
4 fact finding hearing is two phases. The first
5 set of questions that we are asking are on the
6 temporary license for the event on April 2nd.
7 So, are there any questions by any Board members
8 who want to ask questions about the temporary --
9 the request for the temporary license on April
10 2nd?

11 All right, there are none. And any
12 questions that maybe the ANC, or anyone else
13 wants to ask Ms. Valero about this event on April
14 2nd? Okay, I don't have any further questions on
15 -- I don't have any other questions for this
16 event on April 2nd. So, the Board will make a
17 determination, and when we will vote on the
18 record when we do our temporary one day -- later
19 on today when we vote on the record for our
20 temporary, and one day substantial change
21 calendar, then we will make the decision whether,
22 or not we're going to grant the request.

23 MEMBER SHORT: Mr. Chair?

24 CHAIRPERSON ANDERSON: Yes Mr. Short.

25 MEMBER SHORT: I did just have one

1 question, and that would be about the sanitation,
2 restrooms, toilets. What is the capacity of the
3 toilets in the park at this particular time with
4 the renovations? Can anyone answer that?

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

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

22 CHAIRPERSON ANDERSON: And I think
23 even --

24 (Simultaneous speaking.)

25 MEMBER SHORT: Can I ask --

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

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

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

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

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

24 MS. MENDIE: Correct, sorry, yes, it
25 was.

1 CHAIRPERSON ANDERSON: Let me ask
2 everyone, when you speak, please identify
3 yourself. We have a court reporter, so just
4 identify yourself so the record will reflect who
5 is speaking. I'm sorry, go ahead Mr. Short.

6 MEMBER SHORT: Thank you very much.
7 So, again, this is to the BID, I guess to Ms.
8 Mendie, and Ms. Stiger, and Mr. Price. There are
9 four toilet bowls, correct, for the whole park?

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

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

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

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

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

1 lot of questions from Ms. Valero.

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

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

17 MR. KLINE: Thank you Mr. Chairman.

18 MEMBER SHORT: Thank you Mr. Chair.

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

24 MR. PRICE: Hey, this is Gerren Price,
25 I'm sorry, I've been having some connectivity

1 issues, I hope you all are able to hear me okay.

2 CHAIRPERSON ANDERSON: Yes sir.

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

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

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

23 MR. PRICE: That's correct.

24 MEMBER SHORT: And between six
25 toilets, and four hand bowls, you think that will

1 be adequate, or is that too many, or too less,
2 or?

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

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

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

19 MR. PRICE: Absolutely.

20 MEMBER SHORT: I as a Board member
21 would ask that question simply for the fact that
22 I enjoy parks, and I have enjoyed Franklin Park,
23 at least before it became an eyesore, and I've
24 been in Washington, D.C. for 75 years. A lot of
25 people don't like me to keep saying that, but I

1 think it's relevant to what we're saying. And in
2 my 75 years, I've seen the turnover in that park.

3 And I am, as a prior resident of the
4 District of Columbia, glad that it is being, and
5 has been renovated, and that the BID is taking
6 their responsibilities very seriously, and I
7 commend you, and the BID for that. But again,
8 for the record, there are six toilet bowls, and
9 four hand washing bowls for the facility?

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

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

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

20 MEMBER SHORT: Of patrons, or visitors
21 at an event at the park, what do you think, or
22 what knowledge do you have, or what expertise do
23 you have to give any testimony on the numbers of
24 people that the park could support with toiletry,
25 hand washing, toilets, and facilities, those

1 kinds of things. One last caveat to that, is
2 there going to be any first aid, or any water
3 provided in the park for patrons who are
4 visiting?

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

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

21 And so it's something that we would
22 certainly think about, and consider. I don't
23 believe it would be necessary for this particular
24 event, but that is certainly something we would
25 do in the future. So, if we were to have say

1 double the attendance, we may want to provide
2 some additional toilets on the premises. But for
3 right now, I think we would be able to
4 accommodate folks just fine.

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

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

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

1 today.

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

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

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

23 Because the ANC did receive a couple
24 of noise complaints in response to the concert
25 series. Especially given that the timing often

1 indicated that it would be until 10:00 p.m., but
2 music went until 10:30, and residents were pretty
3 frustrated after that 8:00 p.m. time mark, of
4 having constant music. So, I'm curious as to the
5 entertainment that's going to be presented this
6 Saturday.

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

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

21 MS. JOSEPH: Okay, great. And then
22 one more question, so entertainment will end by
23 8:00 p.m., but will there be, for example any
24 announcements, or any kind of broadcasting of any
25 kind post that 8:00 p.m. time frame?

1 MS. MENDIE: We don't plan to have any
2 broadcasting -- I'm sorry, we will have a DJ in
3 the tent until 10:00 o'clock, but that will not
4 be audible sound as it was with the concert
5 series.

6 MS. JOSEPH: Thank you.

7 MS. MENDIE: Sure.

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

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

20 It's not being ignored, it is being
21 addressed, and it's being addressed with the
22 agency that has jurisdiction over that issue.
23 Second is given the history of this thing, and
24 it's not really on the record at this point, but
25 we would respectfully request that the Board

1 reconsider the denial of the one day substantial
2 change.

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

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

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

25 CHAIRPERSON ANDERSON: Mr. Kline, the

1 Board -- before making a decision the Board will
2 ask the agency to present to us the documents.
3 As I stated before on the public record, the only
4 license that's on our public record for today is
5 the temporary license. The Board has not seen
6 any documentation for a substantial change.
7 Orally the Board was informed that yesterday
8 information was provided to the agency to ask for
9 a one day substantial change.

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

18 And so if it's a yes for the temporary
19 license, then Ms. Valero can pick up the
20 temporary license today, if it's a yes. So, I'm
21 not quite sure what's the difference, but
22 whatever decision will be made, the decision will
23 be made on the record today on those licenses.
24 If, as you stated, the license was -- if it was
25 timely made with the agency, we will ask the

1 agency to provide the Board with that
2 application.

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

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

21 So, it wasn't that we said -- we did
22 not deny the license, we're just saying that
23 because as far as we were told, the timing, it
24 was not provided to the agency timely, so the
25 Board does not consider license requests from

1 anyone if it's not timely made. And so, that's
2 just the position. All right --

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

5 MEMBER GRANDIS: Mr. Chairman?

6 CHAIRPERSON ANDERSON: Yes Mr.
7 Grandis?

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

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

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

21 MR. KLINE: Absolutely, yes, please.

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

24 MS. VALERO: Sure. There's quite a
25 history on this April 2nd event, and really this

1 started back in December, beginning of January,
2 of this year when we were working with the BID in
3 order to do a multi week activation in the park
4 for the winter. And we met with ABRA at the
5 time, because we said we are in the process of --
6 we had two questions.

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

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

23 We went through the process to apply
24 for that pop up license, and in doing so, we
25 realized that one of the requests that was made

1 for that license application is a certificate of
2 occupancy for the space. Given the very
3 interesting federal, though local jurisdiction
4 happening here, it was determined there wasn't
5 any certificate of occupancy ever created for the
6 park space.

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

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

23 The request was also made in order to
24 use something in lieu of something like an
25 occupancy placard in lieu of the certificate of

1 occupancy knowing that they essentially, per the
2 earlier case, served the same purpose of how many
3 humans can you have in a space? There was no --
4 we were essentially told at that point we can't
5 do that.

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

16 In order to ensure that this event was
17 successful. And so, we have at this point -- I
18 have done every license application that ABRA
19 has. But we were -- and so given that we were
20 asked to make that change on the substantial, and
21 at this point given where we are in terms of
22 timing, for those of you who aren't ordering
23 booze on a regular basis, a lot of the
24 distributors have cut back their delivery
25 schedules because of COVID.

1 And because of the issues with finding
2 drivers, and so a lot of them have cut back on
3 their Thursday, Friday deliveries. A lot of them
4 no longer deliver -- none of them deliver on
5 Saturday anymore. Most of them have stopped
6 doing deliveries on Friday as well. And so, I'm
7 also now just getting pushed into a really tough
8 delivery schedule in terms of being able to turn
9 around product, and be able to fulfill on the
10 contract for the event with the Downtown BID.
11 And so I think we are --

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

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

19 MEMBER GRANDIS: What day?

20 MS. VALERO: It was submitted before
21 the Board met, so Monday, or Tuesday of last
22 week. And they were submitted -- we submitted
23 one day, and then they came back to us, and said
24 we would prefer if you would submit a substantial
25 change, because then it ties to your existing

1 license. And so, we have more faith in the
2 liability piece, given that nothing has ever been
3 programmed like this at the park before, with
4 alcohol.

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

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

11 MS. VALERO: Yes.

12 MEMBER GRANDIS: Okay, thank you.

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

21 So if information is provided to the
22 agency on a Tuesday, or a Monday that does not
23 guarantee that the Board will listen, or address
24 that issue on that Wednesday. I know that as a
25 general matter --

1 MS. VALERO: Understood.

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

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

22 But maybe this -- without knowing
23 specifically, because I have not seen the
24 document, we would ask the agency to provide us
25 with the document, and the Board will revisit the

1 substantial change, or the temporary, based on
2 the representation, and we'll look at the
3 documents provided to the agency, and make a
4 decision.

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

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

18 MR. KLINE: Mr. Chairperson, before we
19 move onto that, and I just forwarded it to your
20 general counsel, and assistant general counsel.
21 An amendment was filed on March 2nd reducing the
22 requested occupancy from 20,000 to 7,500. So,
23 I'm not sure why that has not percolated to you.
24 But we will be addressing what's intended with an
25 occupancy of 7,500, not 20,000.

1 And that amendment was made three
2 weeks ago, and I've just forwarded to Ms. Jenkins
3 and Mr. Berman so that you can see that there's
4 no question that that was done.

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

11 MR. KLINE: Understood.

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

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

19 CHAIRPERSON ANDERSON: Go ahead Ms.
20 Valero, please.

21 MS. VALERO: And I can speak also to
22 sort of the amendment on the application. So,
23 Franklin Park is five acres in downtown D.C. As
24 I mentioned before, the D.C. government has built
25 a beautiful jewel box space on that park. We are

1 leasing that space in conjunction with the
2 DowntownDC BID. And so that will be the main
3 retail space where the CT license would be.

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

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

22 It's also so that, if you think about
23 things like 5K finish line races, or someone
24 wanting to get married in the park, that would
25 also fall underneath this license application.

1 So, this is really in order to ensure that there
2 is one licensee who is helping to manage the
3 liability around alcohol in the park enable to
4 ensure that there's a security plan in place for
5 all of those events.

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

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

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

25 That 40 percent must always remain

1 open to the general public. And so, it would be
2 based off of that percentage of the rectangular
3 lot. And so if that percentage, or everything is
4 broken up into lawns in the park. So, the lawn
5 in the pavilion space, and such, it would be
6 based off of us ensuring the perimeter of the
7 entire park from an alcohol safety standpoint.

8 And then there being a limited area
9 within the park where the activity was taking
10 place.

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

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

15 CHAIRPERSON ANDERSON: Yes Mr. Kline.

16 MR. KLINE: I mean the point is that
17 there be flexibility in terms of the spaces used.
18 In terms of occupancy, it would be limited to
19 7,500. I think your question was how many, and
20 that's the number, 7,500. In terms of what
21 areas, the idea is to try to leave that flexible,
22 depending upon programming, and depending upon
23 the events, and what areas are used. That's the
24 concept.

25 And that's what's to be done here, is

1 that the entire park would be licensed, but there
2 would be a limitation on occupancy of 7,500. I
3 hope that helps.

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

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

20 So, Ms. Valero's challenge, and what
21 the Board would be concerned about, is okay what
22 area is alcohol being served? That would vary
23 from time to time, and it would be up to Ms.
24 Valero, and her company to police that, and
25 provide the appropriate perimeter to satisfy the

1 Park Service. Because the Park Service needs to
2 know that 40 percent of it is going to be open.

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

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

15 What's going to prevent a young, under
16 21 person to go to a public park and --

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

21 (Simultaneous speaking.)

22 CHAIRPERSON ANDERSON: But I think,
23 but who is -- I'm sorry Mr. Kline, but who is it
24 that -- this area is, the 40 percent area, which
25 is open to the public. Now, I'm sitting there

1 drinking my beer when the ABRA investigator
2 comes. And there's someone in this area, since
3 the license is for the entire park, there is
4 someone in this area, in the 40 percent area
5 drinking their beer, or under 21, who is
6 responsible?

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

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

22 I mean there's just no way to
23 guarantee that. People need to comply with the
24 law, and if not, then they need to be reported to
25 the proper authorities, and actions can be taken.

1 But no licensees have a position to guarantee
2 that, whether they're in a public park, or
3 whether they're in the building on K street.

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

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

21 MS. VALERO: Is that my answer?

22 MR. KLINE: Go ahead Anna.

23 MS. VALERO: So, I think what's really
24 interesting about this project, and about the
25 park itself, is that this is a partnership with

1 the DowntownDC BID. And so, based off of that,
2 the activities that are taking place in the park
3 must match the mission, and the vision of that
4 which the DowntownDC BID dictates. We are there
5 in order to produce them in conjunction with
6 them, and in support.

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

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

24 Meaning that no different than on any
25 D.C. public property, no one can consume alcohol

1 underage, or bring it in. But as it relates to
2 types of events, it's going to be very community
3 focused events. And so the goal of the park, and
4 the goal of --

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

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

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

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

1 can gather.

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

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

19 No different than people do with jazz
20 in the garden on a Friday night in the summer.
21 How do we create a similar type of environment
22 where people want to stay, and want to create
23 spaces, want to create very Washingtonian type
24 experiences in Franklin Park. That's our
25 mission, and that's the goal.

1 CHAIRPERSON ANDERSON: Well, one of
2 the things that I noticed you applied on your
3 license. You're applying for outdoor
4 entertainment until 2:00, 3:00 a.m. in the
5 morning. So, I know you talk a lot about family
6 friendly, I'm not quite sure, maybe you need to
7 explain what type of family friendly event that
8 you're going to have outdoor entertainment until
9 2:00, 3:00 a.m. in the morning.

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

18 We haven't agreed on exactly what that
19 time is, but I think that's something that will
20 get addressed with the ANC, and the inside is,
21 again, the hope for the caf, space is that it
22 becomes a place where people can stay, and want
23 to be there beyond -- people leave downtown at
24 7:00 o'clock right now, once they walk out of
25 their office.

1 And so, how can we start to create
2 spaces that create a different type of
3 atmosphere?

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

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

21 CHAIRPERSON ANDERSON: What are your
22 abilities currently? I know you said that if we
23 allow this process to move forward, you have
24 approached the ANC, and so that's another
25 process, but how do you envision currently

1 controlling, and providing noises leaving from
2 the property?

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

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

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

21 MS. VALERO: So, the beauty of working
22 with the DowntownDC BID, is that they also have a
23 full time maintenance team. Meaning that they're
24 going around pulling trash from all of the trash
25 receptacles within downtown D.C., and so we can

1 have daily pickups of trash. In addition, there
2 is a trash compactor -- trash, and recycling
3 compactors that are being placed at the building,
4 and that will happen during the construction
5 phase. And so we have multiple ways in order to
6 remove trash from the facility.

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

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

21 And we would add additional security
22 based off of what -- if there are special events
23 taking place in the park, we would add additional
24 third party security that would help to manage
25 the liability, and the compliance controls.

1 CHAIRPERSON ANDERSON: Now, I know you
2 talked about cameras on the tavern itself, the
3 caf, itself, are there cameras in the park, or
4 are there any plans to have cameras in the mark?

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

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

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

12 (Simultaneous speaking.)

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

21 Because if an infraction occurs,
22 there's only one licensee. It's going to be
23 granted to the Spring, not to the BID. So, we're
24 looking to the licensee for responsibility, and
25 they can't say that the BID was supposed to have

1 done that. We go to the licensee to say it's
2 your responsibility, because you're the one we
3 have jurisdiction over.

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

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

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

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

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

25 MR. PRICE: So, it's -- we are really

1 excited to be partnering with Anna, and the team
2 at Higher Ventures. And so, we have already been
3 in close communication with me directly in my
4 role as president, and CEO. But then on site at
5 Franklin Park we have a full time park manager
6 you have met, Cecily Mendie, who is also on the
7 call.

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

19 CHAIRPERSON ANDERSON: Now, this is a
20 unique relationship. We have the National Park
21 Service, we have the BID, we have the D.C.
22 government, so what agent within the D.C.
23 government is involved in this process moving
24 forward? Just explain to us the relationship
25 please.

1 MR. PRICE: Yeah, and I think Anna
2 mentioned in her words in the very beginning, and
3 perhaps in talking about the temporary license,
4 but the overall sort of structure of the park is
5 a bit complicated, and this is a project that was
6 a long time in the making. I think it took about
7 20 years total, including an act of Congress to
8 authorize the ability for this management to
9 happen.

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

18 And so, the D.C. Department of Parks
19 and Recreation is that guiding entity on the city
20 side. But then they have identified the
21 DowntownDC BID as the operator of that space.
22 And so, all of the day to day happenings in the
23 park, with respect to anything you can imagine,
24 from planning community events, and engagements,
25 to maintenance, and operations.

1 To capital improvements, and projects
2 will fall on the BID through that cooperative
3 management agreement. So, it is our job to
4 manage the space, and to negotiate the lease with
5 the tenant, and we're excited to welcome The
6 Springs on site.

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

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

17 MS. VALERO: It was submitted.

18 MR. KLINE: It's been submitted.

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

24 MR. PRICE: Yes sir. That cooperative
25 management agreement actually includes all three

1 entities, and sort of describes the relationship.

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

4 MEMBER GRANDIS: Mr. Chairman?

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

8 MEMBER GRANDIS: Thank you very much.

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

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

22 Does the bid have any -- based on what
23 we've been hearing today, and based on the
24 concerns you may have had regarding this event, I
25 just have not -- I need clarification on if you

1 have any recommendations regarding this
2 particular situation?

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

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

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

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

17 MR. ROMANOWSKI: Yeah.

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

22 MR. ROMANOWSKI: Yes, and I believe
23 the tent is positioned on the west side of the
24 park, and so that is good news, because the
25 complaints that we've previously received are

1 from residents a block away from the east side of
2 the park, so I think that's also helpful.

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

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

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

18 MEMBER SHORT: Thank you very much.
19 So, I would like to get this straight Mr. Chair,
20 from someone. So, now the park, before any
21 licenses are permitted to anybody to own a
22 business, it's a public park. And so how does
23 this remain public if 40 percent of it can be
24 used, and we're not saying where on the park, or
25 the 60 percent.

1 Since they're going to say well, this
2 week we want to use the west side, next week, we
3 want to use the east side. So, it's not a public
4 park anymore, it's a public business park I guess
5 you would call it. I'm just trying to figure out
6 the public has always used it before it was taken
7 over by homeless people, and whatever else. Any
8 part of the park was public space.

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

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

1 all.

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

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

20 If what I've heard today is true, I'd
21 like for the Board to consider, and for the ANC,
22 and for the neighborhood, and for the BID to
23 consider, are there any plans drawn up that we'll
24 see where the parameters for the selling of
25 alcohol will be. Or as we've heard testimony

1 today, it could be here tomorrow, and depending
2 on what they want to do next week, it could be
3 another part.

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

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

22 Are we giving part of it away? Or are
23 we saying it's not a public park per se anymore,
24 it's just a place where business takes place any
25 place in the park? And we're going to say to the

1 BID you regulate this, so someone is over served
2 alcohol, or someone doesn't follow by the rules,
3 just call MPD. Well, suppose MPD is busy, a call
4 in the community for the citizens who pay their
5 salary.

6 So, again, there's a lot of questions
7 I have, and I hope that we get some answers to
8 them before this Board votes on it. I thought
9 today was going to be talking about the one day,
10 but now we're talking about the total license for
11 7,500. And I'm just glad that maybe the chair
12 has, in his wisdom, decided let's get it all out
13 on the table at once. And it might be a good
14 idea.

15 So, again, I just have those questions
16 to ask. Especially about trash compactors, other
17 things about trash pickup on a regular basis,
18 music to 2:00 o'clock in the a.m. in downtown
19 Washington, D.C. I just have a lot of questions
20 that I haven't heard any answers to. And if we
21 can get those answers, maybe as a Board member I
22 could wrap my mind around giving 60 percent, or
23 40 percent, or however it's going to be divided
24 up to private interests. Thank you very much for
25 all who heard my comments.

1 CHAIRPERSON ANDERSON: Hold on a
2 minute before I get a response. We're at a fact
3 finding hearing. This fact finding hearing was
4 scheduled for a while on our schedule, and the
5 purpose of this fact finding hearing was to
6 address the application from The Springs to apply
7 for a license. Initially it was for a license
8 for 20,000. On March 2nd, the agency said the
9 application was amended for 7,500.

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

19 So, we haven't gotten to that stage.
20 This is still the information gathering stage for
21 us to make a decision, is this right for us to
22 move along through the process? So, the Board is
23 not making a decision, it wasn't a we are going
24 to grant a license. It's just do we have enough
25 information to send this out? And this is

1 unique, because normally the public is not a part
2 of this type of process.

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

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

24 And I appreciate the fact that Ms.
25 Valero, what your post on the record today, is

1 that this is a process that you've been talking
2 to the agency, and the agency has been trying to
3 say to you what type, looking at the different
4 license classes, to say based on this first
5 impression, what it is that you think -- even for
6 the event on the second, what was the appropriate
7 type of license that you should apply for based
8 on the novelty of it.

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

18 I have some other questions I'm going
19 to ask, I just wanted to let the parties know
20 that I want to ask some specific questions about
21 the permit number 22-0197 that covers this
22 quarter. The quarter April 1st to June 22nd,
23 2022. So, if you have that permit, I would like
24 you to -- I have some specific questions that I
25 want to ask you about that permit.

1 So, either the BID, or Ms. Valero, if
2 you have that, please pull that up, so I can be
3 provided a response based on some questions that
4 the agency has regarding some language
5 specifically in that permit. So, Mr. Short, were
6 you asking a question, or was it just a general
7 comment?

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

14 CHAIRPERSON ANDERSON: Go ahead.

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

22 And if it's not going to be a total
23 city park, are those persons who are permitted to
24 sell alcohol, serve alcohol, and maybe even store
25 alcohol in a public space, if they're going to

1 fall under the same parameters as a person who
2 has a brick, and mortar, which is right across
3 the street from them on 14th Street, or 13th
4 Street, or I Street, or K Start.

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

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

24 My question is if this is not going to
25 park anymore, and it's now a hybrid piece of

1 property for the District government, or its
2 citizens, and residents, and businesses to use as
3 a federal park, then how much, or how far is
4 ABRA, the ABC Board, the ANC Commission, or the
5 BID, where does it go, where does it end? Are
6 there going to be diagrams presented to the
7 public so they can know exactly where the public
8 goes, and where the business goes?

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

18 So, if we need extra policemen down
19 there during the time there's 7,500 people, the
20 police can probably set aside those resources.
21 Other government agencies who might get involved,
22 DPW, traffic control, all of those people need to
23 be involved. Because it might not sound like a
24 big number to us right now, because it's all on
25 paper.

1 But I would venture to say we need to
2 be prepared, if that's what this Board is going
3 to decide to do with a park in the middle of
4 Washington, D.C. downtown. And my question is
5 Mr. Chair, what part of the park is going to be
6 still for the public to use, and what part is
7 that, and what part is going to be now business,
8 and what part is that?

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

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

1 the whole Board. Thank you Mr. Chair.

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

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

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

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

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

20 CHAIRPERSON ANDERSON: Mr. Kline, you
21 will never be a potted plant. And one of the
22 things that you should be -- that I've always
23 done Mr. Kline, I always give you the last word.
24 So therefore, you will always have an opportunity
25 to -- if someone says something that you don't

1 like, or that they say incorrectly, you can
2 always correct it.

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

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

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

19 MR. KLINE: Thank you Mr. Chairman.

20 MR. PRICE: Sure, so I'm happy to.
21 And I will just say off the top here, I'm not
22 going to be able to answer every part of Mr.
23 Short's question, Mr. Short, you asked quite a
24 few things, and I think all really valid points.
25 And I just want to say how much I appreciate your

1 thoughtful, and your concern here, and
2 clearly as a long time D.C. resident, you
3 understand the context, and the history of this
4 park.

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

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

21 And as we mentioned before, a number
22 of years of planning, and conversation both with
23 the Park Service, and the city government to get
24 us to the point where we are today, where we're
25 able to have a beautiful space in the heart of

1 downtown, where we can welcome folks for public
2 events, and community events, and just the quiet
3 enjoyment of what is a really beautifully done
4 space.

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

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

21 It is not only helpful in terms of
22 bringing vibrancy, and just drawing people to the
23 space, but it becomes a revenue generator to
24 sustain the maintenance operations, and capital
25 improvements of the park. So, this business

1 component is a critical function to ensuring that
2 Franklin Park remains in good condition, and
3 remains an asset for years to come.

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

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

21 And so when you talk about the split,
22 and should there be sort of designated drawings,
23 and spaces that are accessible, we bounced around
24 that idea too, and it's something that there have
25 been a number of meetings, and conversations

1 around that very concept. One of the challenges
2 is that we think that there are going to be
3 really dynamic, and changing needs, and different
4 kinds of events, and activations.

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

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

23 Sort of thinking about just different
24 ways to setup, and host these types of events, it
25 would be really challenging to box that in, and

1 say only in this particular square could
2 something be served. And so the thought was
3 always to be fluid, and sort of have that space
4 for flexibility. The other thing that I want to
5 say in answer to Mr. Short's question around how
6 to maintain that appropriate balance of private
7 versus public, and what's accessible.

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

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

24 Even with that, there's a difference
25 between a private event that is closed to the

1 general public, and then an event that is taking
2 place in the park that is serving alcohol, that
3 is open to the public to purchase items as they
4 wish, right? So, there's even a balance to
5 strike there. And so, I just wanted to offer up
6 that distinction as well.

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

16 MEMBER SHORT: Thank you.

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

19 MR. KLINE: Yeah, just a few things.
20 Mr. Short has raised some concerns, and they're
21 certainly legitimate with respect to any
22 operation. This is unique, and I think as we've
23 tried to lay out, there's been an effort to
24 cooperate all along. There are a number of
25 different events that are involved here, and

1 nobody's in the dark.

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

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

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

1 local ABC license.

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

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

20 So, all of the regulatory features
21 that you see with respect to any other business
22 will be in place, that's why we're here. Even
23 though there's some question as to whether it's
24 necessary, not a question we want to raise,
25 because all of us agree, the BID agrees, the Park

1 Service agrees, Ms. Valero agrees that the best
2 way to move forward is through this process.

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

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

21 So, we would ask you to allow this to
22 move forward. We've already started working with
23 the ANC, and we'll continue to do so to address
24 some of the other issues that you've raised in
25 terms of concerns of residents, and I'm pretty

1 sure, given the progress that's already been
2 made, that those will all be worked out.

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

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

18 Or from other federal, state, or local
19 agencies, or departments for the use of public
20 lands other than those under the jurisdiction of
21 the National Park Service. And letter D says
22 pursuant to the philanthropic partnership
23 agreement between the National Park Service,
24 National Mall, Memorial Parks, and the Downtown
25 D.C. Business Improvement District.

1 And the Downtown D.C. foundation is
2 authorized to the sale or service of alcoholic
3 beverages as part of a permitted activity, and
4 fund raising event approved in the annual work
5 plan. And then it says the annual work plan did
6 not include any activities wanting to serve
7 alcoholic beverages. Are those two provisions in
8 conflict?

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

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

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

25 MR. PRICE: Mr. Kline, you are on

1 mute.

2 MR. KLINE: I have it up, and I can
3 share it if that would be helpful.

4 CHAIRPERSON ANDERSON: Can anyone
5 address that? I'm just -- it's a concern, since
6 all the parties are here, maybe someone can
7 address that to are these two provisions in
8 conflict? And if they are not, let us know.
9 Like I said before, we don't want to go through
10 the exercise of saying that this process can go
11 forward, and then the National Park Service says
12 by the way, you can't do that. I don't know.
13 I'm sorry, who was speaking?

14 MS. MENDIE: Cecily Mendie, I'm sorry.
15 So, I do see what you're saying, I'm looking at
16 letter D, and to be quite frank, I'm a little
17 confused by it. Because we had the conversation
18 with the National Park Service, and one of the
19 things that was stated by the National Park
20 Service was that we did not need to go through
21 ABRA for even this process that we're going
22 through right now.

23 And that the retail operator would
24 indeed be able to serve alcohol. We did place
25 into the annual work plan, the fact that this

1 event would specifically have alcohol being sold.
2 So, I am a little bit taken aback by what you're
3 reading right now. But certainly the National
4 Park Service is aware of the fact that alcohol is
5 going to be served at this event.

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

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

23 So, if a major error is made, then
24 that can be corrected through the process,
25 because you do -- because you have some time to

1 provide an updated agreement to the agency. And
2 whether, or not -- the bottom line is that my
3 position as Board chair is that there is an
4 entity within D.C. that sells, or serves alcohol,
5 we should have jurisdiction over it.

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

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

23 And I see she's still shaking her
24 head, so I'm just saying that personally I do
25 appreciate that applicants come to us for a

1 license to say that at least so we can be
2 responsive to the residents of the District of
3 Columbia for every licensee, over every licensee
4 in D.C. that sells, or serves alcohol.

5 But again, because of our status,
6 that's not always true. But to the extent
7 possible, I want to make sure that that occurs.

8 MR. PRICE: Absolutely, and thank you
9 for clarifying that. I think we -- I'm sorry
10 Cecily.

11 MS. MENDIE: No, go ahead.

12 MR. PRICE: I was going to say I'm
13 relieved to hear that we have a little bit of
14 time to do that. I think that we should setup
15 main page NPS and get that corrected. It looks
16 like a holdover from the last permit, where we
17 didn't have any events. They just need to change
18 that line, I think likely it was just missed.
19 But I certainly appreciate that.

20 CHAIRPERSON ANDERSON: Any other
21 questions by any of the Board members? And then
22 I will -- any questions by any Board members
23 before I dub that this hearing has been -- our
24 data is out of whack, but that's not a problem,
25 because I think this is an important issue for us

1 to take as much time as possible to address. And
2 so, I'm not hurrying anyone.

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

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

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

24 I know, even myself, I've used that
25 park more in the last year than I have in the

1 eight years that I've lived here. So, definitely
2 looking forward to the developments that are
3 happening. As a representative of 2F, we're also
4 excited that this is a destination for other
5 folks from D.C. to come into. So, we're looking
6 at this also as an economic development
7 opportunity for the businesses.

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

18 And so the people that I've seen in
19 the park are often people with small children,
20 who don't have access to vaccines yet. So,
21 generally this does seem to be a solid
22 investment. Now, that being said, I think Chair
23 Anderson definitely raised some great questions
24 about oversight. So, eager to continue to work
25 with you all.

1 But generally we are supportive of the
2 park, and its ongoings, and look forward to
3 working with the team to alleviate any concerns
4 that have up come up thus far.

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

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

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

24 It is not going to be a space that's
25 going to be privatized exclusively. It is going

1 to continue to be a public park. And we're just
2 excited for the opportunity to be able to
3 continue to do the work that we're doing there.
4 Thank you.

5 CHAIRPERSON ANDERSON: Thank you, Ms.
6 Mendie.

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

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

25 We'll flag that we are very hopeful

1 that the event for Saturday will be cleared, and
2 that we are really looking forward to it. It is
3 a part of the official calendar of the National
4 Cherry Blossom Festival, which is a huge deal for
5 the BID, and just for the city as a whole. And
6 looking forward to Saturday being a success.
7 Just wanted to flag that we are hoping that that
8 will happen. But thank you again, and appreciate
9 your time.

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

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

20 And I think that this hearing is an
21 apt demonstration of that, and although hard
22 questions were asked, they always are, but I
23 think we've answered them. And if other
24 questions arise, we're certainly available, and
25 we'll try to answer them. We think this is

1 something that is terrific for this neighborhood,
2 and you've heard the ANC's comments, you echoed
3 that, you're the BID, and you're obviously very
4 supportive.

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

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

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

25 And the purpose -- what the Board's

1 charge is today, is to make a decision whether,
2 or not this is an appropriate license to move
3 forward. Move forward meaning that should this
4 be placarded, and therefore meaning that we now
5 inform the public that The Springs have applied
6 for a license, and that the public will have 45
7 days to either protest, or not protest.

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

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

25 It's to allow the process to move

1 forward, and the process is whether, or not we
2 should now inform the public that an application
3 was filed. We will also make a decision, I am
4 not clear exactly when the license, when the
5 substantial change request was made. I am not
6 clear, but I will ask the agency again, to
7 provide us more information exactly when the
8 substantial change request was filed.

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

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

1 something that's not on our published calendar.

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

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

18 (Whereupon, the above-entitled matter
19 went off the record at 2:10 p.m.)
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21
22
23
24
25

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In the matter of: The Springs

Before: DC ABRA

Date: 03-30-22

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Court Reporter

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