



Advisory Neighborhood Commission 2A

“Serving the Foggy Bottom and West End communities of Washington, D.C.”

May 5, 2014

Ms. Ruthanne Miller, Chairperson
Alcoholic Beverage Control Board
2000 14th Street, N.W., S400
Washington, DC 20009
abra@dc.gov

RE: Petition by Shadow Room (ABRA-075871) to terminate its existing Settlement Agreement with ANC 2A

Dear Chairperson Miller,

At its regular meeting on April 16, 2014, Advisory Neighborhood Commission 2A (“ANC 2A” or “Commission”) considered the above-referenced matter. With all eight commissioners present, a quorum at a duly-noticed public meeting, the Commission voted to approve the following resolution by a vote of (8-0):

ANC 2A objects to the Shadow Room Petition because the Petition is inconsistent with the requirements of D.C. Code Title 25-446 on both procedural grounds and substantive grounds.

The Petition is deficient on procedural grounds for reasons that include, but are not necessarily limited to, the following:

- Notice of the Applicant’s Petition to amend or terminate a settlement agreement was not given to the ANC and public at the time of the Applicant’s renewal application according to renewal procedures required in D.C. Code Title 25. See D.C. Code Title 25-446(3).

The Petition is deficient on substantive grounds for reasons that include, but are not necessarily limited to, the following:

- The Petition does not satisfy the requirement that the Applicant make a “good faith effort to negotiate an amended settlement agreement” as required by D.C. Code Title 25-446(4)(A)(ii).
- The Petition does not satisfy the requirement that the Applicant make a showing that the “need for an amendment is either caused by circumstances beyond the control for the applicant or is due to a change in the neighborhood where the applicant’s establishment is located” as required by D.C. Code Title 25-446(4)(B) ii).
- The Petition does not satisfy the requirement that the “the amendment or termination will not have an adverse impact on the neighborhood where the establishment is located” as determined under D.C. Code title 25-313 or title 25-314.



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The ANC 2A settlement agreement with Shadow Room contains numerous protections for the nearby neighbors that will be lost if this settlement agreement is terminated—provisions which mitigate noise and crowding, and provide for traffic control.

Moreover, the settlement agreement’s existence provides a mechanism to limit Shadow Room’s hours on ABRA extended hour holidays because the Applicant refuses to provide an M.P.D. reimbursable detail for its recurring Thursday night “Instant Chaos” urban night event. This event causes deleterious effects on the peace, order and tranquility of the neighborhood that are well-documented by police records, video surveillance, and citizen complaints. The traffic and noise generated by Shadow Room, especially on Thursday nights, disturb the peace and quiet of the vicinity.

This disorder further has a negative impact on property values, particularly in the apartment houses and condominiums that border its adjoining alley on the west and north sides, and also on nearby properties such as the historic townhouses of Schneider’s Triangle.

The Commission further voted to designate Commissioner Florence Harmon (florencedc@comcast.net), in whose Single-Member District the Applicant’s business is located, to serve as the ANC’s representative in this matter. The Commission also designated Patrick Kennedy (Patrick.Kennedy@anc.dc.gov) or any other ANC 2A commissioner to be an alternate ANC representative.

ON BEHALF OF THE COMMISSION.

Sincerely,

Patrick Kennedy
Chairperson

cc: Steve Acott, Acott Ventures
ANC 2A commissioners