



## Alcohol Beverage Control Committee Meeting

700 Penn Building

Ground Floor Conference Room

June 6, 2019, 7:00 p.m.

### REPORT

#### Attendance:

Commissioners: Jayaraman (Chair); Oldenburg; Sroufe, Ready;

RM: Katherine Szafran; Ellen Opper-Weiner, Raman Santra

#### 1. Renewal Application

- Late Breaking: ABRA-108110: Ted's Bulletin, TB Capitol Hill LLC., 505 8th ST SE; Class "CR" Renewal; Petition Deadline 6/17/19 [6B03]

The Chair explained that the Commission had voted to request an extension of the petition deadline to facilitate a meeting with the applicant. There has been a change of ownership since 2016 and it was clear that the managers were not familiar with the stipulations in their SA. The SMD Commissioner and the ABC Chair met at the Establishment with the Applicant to discuss neighborhood concerns and develop solutions. Since the May meeting, the Applicant has taken a number of steps to comply with the SA and address community concerns.

**Motion:** Recommend approval of the renewal application with no changes to the existing SA and place on the Consent Agenda. [Jayaraman; Szafran 2<sup>nd</sup>] Pass 6-0-0

- ABRA-112072: District Soul Food Restaurant & Lounge L.L.C. District Soul Food; 500 8th St SE; Class "CR" Restaurant License Renewal; Petition Deadline: 06/17/2019 [6B04]

The Chair explained that the Commission had voted to request an extension of the petition deadline and submitted a Notice to Cure (NtC) to both the Applicant and to ABRA regarding three main concerns: 1) Trash management and pick up; 2) Noise from live music and entertainment; and, 3) Smoke entering the abutting establishment. The extension was to provide Applicant with additional time to address the issues specified in the NtC.

**TRASH CONCERNS:** The Applicant stated that they had contracted for trash pickup and that trash would be picked up 6 days per week and notified the trash company (F&L Trash Company) that pick up must occur between 7 am and 11 pm.

**NOISE CONCERNS:** The Applicant intends to replace existing windows on the D Street and 8<sup>th</sup> Street sides of the building with double hung storm windows. These windows are expected to significantly reduce the decibel levels noise from the live music which can be heard inside neighboring residences. The Chair asked whether the installation of windows could be completed by the end of June to which the Applicants confirmed that it was a reasonable timeframe and expectation.

**SMOKE CONCERNS:** The abutting establishment had brought to the attention of the Commission that cooking and cigar smoke was entering their establishment impacting the dining experience of their customers. The Commission encouraged the owners of the two establishment to meet and discuss the concerns and to develop a resolution of this issue. The Applicant stated that this had occurred and that they owners had reestablished cordial relations and have been working together to ensure that this issue was addressed. Since the May ANC meeting, the Applicant had adjusted the vents from the kitchen to eliminate cooking odors from entering the abutting establishment and described the steps they intend to take to ensure that cigar smoke would not enter the abutting establishment.

Specifically, the Applicant had installed an air filtration system to reduce the amount of smoke and intends to install skylights with fans which can be opened to allow smoke to exit the cigar lounge. The Applicant stated that they intend to begin installation of the new skylights during the week of June 10. There was questions about whether the Applicant had the requisite approvals from both DCRA and DoH to operate a cigar lounge. The Applicant stated that inspectors from DCRA had been to the Establishment to inspect the adequacy of the exhaust system and had conditionally approved (awaiting DoH approval of the cigar lounge) the Certificate of Occupancy and the intended use of the building. The Applicant had also applied to DoH to gain approval of the secondary use of the property to have a cigar lounge. The DoH administrative hearing was scheduled for June 19 by which time the Applicant needed to finish the installation of the new openable skylights before the hearing. They related that the agency had advised them to install these in order for DoH to increase the likelihood that the agency would approve of the cigar lounge.

Since a number of the issues specified in the NtC have yet to be completed, the Committee debated about what to recommend to the full ANC. Committee members felt that the Applicant had made progress and had reestablished trust with their abutting neighbor and had experienced multiple unexpected conditions (two AC units had to be replaced because they got “burned” up because of incorrect installation and use of incorrect material) which required unforeseen expenditures. Some members felt that voting to protest was unduly punitive. However, committee members and the community wanted some assurance that the Applicant would follow through on their commitments. Another option was to request another extension of the petition deadline. There was a question of whether ABRA would approve a second request and the Chair agreed to contact ABRA Counsel to explain the situation and see if such a request was permissible under ABRA law and if there was precedence for approving ANC requests. The Applicant stated that they would support an additional extension.

**Motion:** Take No position pending additional information and clarification from ABRA regarding a second request for an extension of the petition deadline. [Oldenburg; Santra 2<sup>nd</sup>] Pass 6-0-0

- ABRA-093739: Radici, Radici Uno (One Root), LLC, 301 7TH ST SE; Class “C” Renewal; [6B02]

This was the reconsideration of the protest of this establishment. The Chair explained the circumstances of the protest and how the Commission felt that all Applicants should be treated in a equally.

**Motion:** Recommend that the ANC withdraw the protest and support the renewal application with no changes to the existing SA and place on the Consent Agenda. [Sroufe; Szafran 2<sup>nd</sup>] Pass 6-0-0

- ABRA-060614: La Plaza Mexican Restaurant, La Plaza Inc., 629 Pennsylvania Ave SE; Class “CR” Renewal; Applicant: Henry Mendoza, hmendoza932@gmail.com [6B02]

This was the reconsideration of the protest of this establishment. The Chair explained the circumstances of the protest and how the Commission felt that all Applicants should be treated in a equally.

**Motion:** Recommend that the ANC withdraw the protest and support the renewal application with no changes to the existing SA and place on the Consent Agenda. [Sroufe; Szafran 2<sup>nd</sup>] Pass 6-0-0

- ABRA-093525: Medium Rare Barracks Row, Medium Rare Barracks Row, LLC., 515 8TH ST SE; Class “CR” Renewal; NOTE: THE APPLICANT IS UNABLE TO ATTEND AND WILL BE CONSIDERED BEFORE THE FULL ANC ON JUNE 11

- ABRA-100249: Colorado & Cohen LLC, Bullfrog Bagels; 317 7th ST SE; Petition Deadline: 06/17/2019 [6B02]

The Applicant objected to one of the Resident Members being on the ABC Committee because she had been the counsel for the abutting neighbors. The Chair thanks the Applicant for bringing the point up in public and that it was appropriate for the public to be aware of any past agreements between a member of the committee and residents involved in a protest. The Chair acknowledge the concern and confirmed on the record that the RM was in fact retained by neighbors three years ago to file a protest. The Chair further agreed to ensure that any concerns raised would be germane to the topics that are directly related to and controllable by the Applicant. The Chair did not request the RM to recuse themselves arguing that the committee only makes a recommendation to the full ANC and that it is the vote of the Commission that would be transmitted to the ABRA Board.

The Applicant described the operating agreement between Bullfrog Bagels which operated in the morning and early afternoon and Pesce 2 which utilized the space to operate a full service seated restaurant 4 evenings each week. Andrew LaPorta, the chef and part owner of Bullfrog/Pesce 2, also attended to speak to any community concerns about their operations. It was clear that a number of issues had remained unresolved since the last renewal period in 2016. The committee discussed many of these and heard from impacted neighbors.

The Applicant agreed to work in good faith with the Commission and neighbors and take measures to ensure that the issues do not resume. To facilitate the resolution of these issues, the Chair in coordination with the abutting neighbors drafted a finite list of issues and a proposed solution for each of these issues. The Applicant agreed to consider the issues on the list and would beco

**Motion:** Take no Position. The Chair in coordination with the abutting neighbors will submit a finite list of issues to be addressed. The Applicant will provide responses to the issues and what steps they are prepared to take to address the issues lickted

- ABRA-090240: Ambar, BALKAN CONCEPTS LLC, 523 8th ST SE; Class “C” Renewal; Applicant: Ivan Iricanini; Protest Deadline: 06/17/2019 [6B03].

The Applicant has filed for a substantial change application to increase the seating capacity of their establishment. Rather than consider the case separately, the Chair recommended the committee consider both parts (renewal and substantial change) during the July ABC Committee meeting. This would also enable the owner to appear before the committee and commission.

**Motion:** Recommend that the submit a letter to ABRA requesting an extension of the petition deadline for 30 days. [Jayaraman; Ready 2<sup>nd</sup>] Pass 4-0-0

- ABRA-080832: Le Pain Quotidien, PQ Capitol Hill, Inc., 666 Pennsylvania Ave SE; Class “D” Renewal; Petition Deadline: 06/17/2019 [6B02]

NO SHOW

- ABRA-071793: The Ugly Mug Dining Saloon/Valor Brew Pub, Partners At 723 8th St SE, LLC, 723 8TH ST SE; Class “C” Renewal; [6B03]

NO SHOW

- ABRA-015387: La Lomita Dos, Escobar Rincon Inc., 308 Pennsylvania Ave SE; Class “C” Renewal; Petition Deadline: 06/24/2019 [6B01]



Per Commissioner Samolyk—The Applicant is unable to attend the committee meeting but will appear before the full ANC on Tuesday, June 11.

- ABRA-079276: Matchbox Capitol Hill, LLC d/b/a Matchbox, 521 8TH ST SE; Class “CR” Renewal; Protest Reconsideration; [6B03]

The Chair explained that the Commission had voted to request an extension of the petition deadline to facilitate a meeting with the applicant. There has been a change of ownership since 2016 and it was clear that the managers were not familiar with the stipulations in their SA. The SMD Commissioner and the ABC Chair met at the Establishment with the Applicant to discuss neighborhood concerns and develop solutions. Since the May meeting, the Applicant has taken a number of steps to comply with the SA and address community concerns.

**Motion:** Recommend that the ANC withdraw the protest and support the renewal application with no changes to the existing SA and place on the Consent Agenda. [Ready; Sroufe 2<sup>nd</sup>] Pass 4-0-0

- ABRA-077797: Cafe 8, Cafe Bistro MED, LLC, 424 8TH ST SE; Class “C” Renewal; Petition Deadline: 6/24/2019 [6B04]

The Applicant has constructed a trash enclosure which the SMD Commissioner called the new standard for trash enclosures.

**Motion:** Recommend that the ANC withdraw the protest and support the renewal application with no changes to the existing SA and place on the Consent Agenda. [Oldenburg; Opper-Weiner 2<sup>nd</sup>] Pass 5-0-0