



**ADVISORY NEIGHBORHOOD COMMISSION 6B
ALCOHOL BEVERAGE CONTROL COMMITTEE MEETING**

**ZOOM Meeting
Wednesday, July 5, 2023, 7:00 p.m.**

REPORT

I. Attendees:

COMMISSIONERS: Jerry Sroufe (6B02); David Sobelsohn (6B03); Francis D’Andrea (6B04); Chander Jayaraman (Chair; 6B06); Vince Mareino (6B07);

RESIDENT MEMBERS: Ghoncheh Lee (6B01); George Dee (6B02); Katherine Szafran (6B03); Ellen Oppenheimer (6B05); Jonathan Levy (6B07-Nominated);

Chair Jayaraman, having established the presence of a quorum, called the meeting to order at 7:05 pm. Introductions of Commissioners and Resident Members were provided according to SMD number. In addition, Commissioner Brian Alcorn, from ANC7D, was invited to participate in the Capitol Square Bar and Grill discussion; he did not vote on any issue.

Chairman Jayaraman noted that because of the unusual schedule created by the Independence Day holiday, two ANC 6B Committee meetings had been scheduled for the same date and hour; consequently, the number of votes provided throughout the meeting varied as Commissioners zoomed from one meeting to the other. However, all votes taken at this meeting were unanimous.

The motion of the Chair to approve the meeting agenda was seconded by Commissioner Sroufe and approved unanimously. There being no modifications to the agenda, the Committee proceeded to consider the items serially.

II. Old Business

1. ABCA-121794—EPH 3, LLC, t/a Extreme Pizza; 520 8th Street, SE; Retailer’s Class “C” Tavern License, Application for an Entertainment Endorsement; Petition Deadline: June 26, 2023; Contact: Nedal Elhasairi: (202) 798-1222, nelhasairi@eatextreme.com; Ernie Harris [6B04]

CHAIR NOTES: The Chair of the ABC Committee met with the Establishment (Ernie Harris) on Sunday 7/2 to review the SA and make changes. The Parties were able to resolve most of the issues and remove requirements that did not apply to the current operations of the Establishment.

Meeting Notes: The entertainment endorsement sought by Extreme Pizza had been agreeable generally to the Committee during its June meeting, but a time extension was requested by the owners to permit further attention to modification of the Settlement Agreement (SA) to better accommodate a Pizza restaurant. The Chair shared the progress made on the SA and presented the remaining issues with the Committee. The Settlement Agreement for this location had been designed previously for a tavern license. Commissioners and owners walked through the proposed SA and identified several outstanding issues: required power washing; delivery truck parking in the alley and responsibility for alley signage, and an extension of hours to be more in keeping with other restaurants in the vicinity. Ernie Harris for the Establishment spoke about his concerns, particularly about being held responsible for the actions of delivery drivers who illegally park in the alley and

who are delivering to other restaurants not under his control. He was also concerned about placing signage on the wall facing the alley Extreme Pizza was leasing the building. Finally, he was concerned about the requirement for power washing the rear alley since their business does not produce any used cooking oil, unlike adjacent Establishments and he did not want to be held responsible if grease is washed down the alley from adjacent Establishments but collects behind Extreme Pizza.

Following discussion, agreement was reached on acceptable language regarding power washing in the alley and an extension of hours. Parking delivery trucks either on 8th street or in the alley remained an issue. It was mentioned that DDOT was planning a major modification of traffic on 8th Street that could result in making delivery truck parking even more difficult. Commissioner D'Andrea said he would discuss the issue with DDOT and would request that appropriate signage about alley parking of delivery trucks be installed.

During the discussion, Commissioner Merino called for an "all parties" meeting to tackle the alley parking issues. While the suggestion was not voted on, this recommendation was supported by other Commissioners as potentially useful for resolving these intractable issues.

MOTION: Recommend that ANC6B support the application pending receipt of a signed SA and place it on the Consent Agenda (D'Andrea; Szafran 2nd): Motion passes unanimously 9-0-0

NOTE: Cmr. D'Andrea exited the meeting to join ANC 6B's Transportation Committee meeting which was occurring at the same time.

III. New Business

2. ABCA-125007—Wendim Veni, Inc. t/a TBD; 725 8th Street SE; Application for a new Retailer's Class "A" Liquor Store; Petition deadline: July 31; Contact: Jeff Jackson—(202) 251-1566, jjharlem112@gmail.com [6B03]

CHAIR NOTES: This is a new application. Classy Corks at 812 L Street SE or Chat's Liquors on the 500 block of 8th Street SE would be the best comparable operators.

Meeting Notes: The Chair introduced the case and Jeff Jackson, representative for the Establishment, attended the meeting on behalf of the owner. Mr. Jackson represented that the Establishment's proposed hours of operation would be as follows: Sun --Thurs. 10 am -10 PM; Fri. & Sat. 10AM—11 PM. He also stated that the owner had agreed to store all trash and recyclables inside the Premises to which the Chair expressed appreciation on behalf of the Commission. Following discussion of trash and recycling provisions, the Committee recommended approval.

MOTION: Recommend that ANC6B support the application pending receipt of a signed SA and place it on the Consent Agenda (Sobelsohn; RM Szafran 2nd); Motion passes unanimously 8-0-0

NOTE: Cmr. Sobelsohn exited the meeting to join ANC 6B's Transportation Committee meeting which was occurring at the same time.

3. ABCA-125021—E&C Inc. t/a Los Caballeros Restaurant; 308 Pennsylvania Ave SE; Application for a Retailer's Class "C" Restaurant License; Petition deadline: August 7; Contact: Ana De Leon—(202) 246-7601, adeleonfirm@gmail.com [6B02]

CHAIR NOTES: This appears to be a new application only because of the new license number. This location was the former La Lomita Dos restaurant on the north side of Pennsylvania Ave SE. The Establishment is located within a larger building with multiple tenants

MEETING NOTES: The Chair introduced the case and Ana De Leon, representative for the Establishment, attended the meeting on behalf of the owner. Ms. De Leon represented that the

Applicant intends to operate a Mexican restaurant which will be replacing another a similar previous operator (Las Lomita Dos) at the same location. Commissioners and Resident Members sought clarification regarding trash procedures and the nature of the entertainment proposed. Meals, alcohol, and entertainment will be inside-only; hours for providing service are to be expanded, but remain in keeping with others in the area. Ms. De Leon shared that the hours of Operation and Sales, Service, and Consumption would be from 8 am and trash pickup will be a minimum of three times per week from the rear of the building. In response to questions about the Live Entertainment, Ms. De Leon responded that the plan was to primarily play pre-recorded music and occasional Live Entertainment.

MOTION: Recommend that ANC6B support the application pending receipt of a signed SA and place it on the Consent Agenda; Sroufe; RM Dee 2nd); Motion passes unanimously 7-0-0

4. Public Space Permit application #11009510 for New Sidewalk Cafe Un-Enclosed at 106 13TH STREET SE. Associated Amendment to the Settlement Agreement [6B06].

CHAIR NOTES: The Transportation Committee (TC) would normally handle this case but the Committee Chairs in concurrence from the Chair of ANC 6B agreed to refer the case to the ABC Committee for review and amend the existing Settlement Agreement accordingly. All future public space applications will remain under the purview of the Transportation Committee.

This is a sidewalk café application for Pacci’s Restaurant located on 13th between E. Capitol Street and Massachusetts Ave. The sidewalk café guidelines and the proposed site plan for the sidewalk café were distributed to the Committee before the meeting. Commissioners and Resident Members had questions about the hours of operation, the dimensions shown on the site plan as well as the location of the entrance. Applicant were open to recommendations and suggested 10 am to 10 pm. The Chair shared that the SA approved in January had slightly different hours [M-Th 11am-10pm; Fri-Sat 11am-11pm; Sun 10am-9pm]. So, the hours in the existing SA would be retained and reaffirmed.

MOTION: Recommend that ANC6B support the hours of operation as specified in the January 2023 SA [Jayaraman / Sroufe 2nd] Motion passes unanimously 7-0-0;

MOTION: Recommend that ANC6B support the DDOT Public Space application for a sidewalk café and place it on the Consent Agenda [Jayaraman; Sobelsohn 2nd] Motion passes unanimously 7-0-0

5. Capital Square Bar and Grill (SMD 7D08) On-going noise complaints impacting SMD 6B06 residents. Contact: Clayton Rosenberg, crosenberg@capitolsquarebar.com [6B06]

CHAIR NOTES: Cmr. Chander Jayaraman has received a number of emails from 6B06 residents that CSBG continues to play music at such a level that it is audible within residences of neighbors in 6B06.

Capitol Square Bar and Grill (15th and East Capitol) has received criticism from neighbors because of loud noise, DJ, and non-responsiveness of management. Brian Alcorn, the Commissioner for 7D08 following redistricting where the Establishment is located, had drafted the initial Settlement Agreement when the Establishment was in ANC 6A. He said that the SA was very explicit in terms of noise abatement requirements, a sharp contrast from the experiences reported by neighbors at the meeting. The owner, Emmanuel Irono, provided several excuses for not adhering to the noise stipulations: (e.g., business downturn; Covid 19; language misunderstanding) and he promised to abide by the terms of the SA going forward. Commissioner Jayaraman said he would secure and share contact information from restaurant management for neighbors to use if they are troubled in the future by excessive noise.

6. Update on I Egg You Protest. ABC Chair attended the required Roll Call hearing on June 20. The

Mediation is scheduled for July 19 but the Chair has a conflict on that date. Cmr. Jayaraman for ANC 6B and the Counsel for the Establishment agreed to change the date to July 26 but this must be done as a formal joint request. Counsel for the Establishment is drafting a filing to do that.

Complaints of residents about trash and garbage management and cooking odors underlay the protest by ANC6B. Trash is to be kept inside and put out in the front of the building at the time of trash collection. It was suggested that the new agreement might include provisions for redirecting exhaust vents to eliminate the odor problem for residents, and also that the “cure” provisions of the SA might be invoked as a step toward further compliance. Following discussion, it was agreed that a meeting with the owners would be requested to address the issues raised by neighbors.

Commissioner Jayaraman is drafting a Settlement Agreement that would be informed by insights gained at the proposed meeting.

IV. Adjourn

The meeting was adjourned at 8:45 pm.