



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

February 9, 2023, 7:00 p.m.
(meeting started at 7:20 pm due to technical difficulties)

REPORT

WebEx recording of the meeting: [ABC Committee Meeting Recording](#)

Attendees:

Commissioners: Chander Jayaraman (Chair); Frank Avery; David Sobelsohn; Kasie Durkit;
Edward Ryder and Gerald Sroufe joined after meeting started

Resident Members: Katherine Szafran; Ellen Opper-Weiner; Raman Santra; Ryan Fochler;

I. New Business

1. **ABRA-122788:** Hamburger Train, LLC d/b/a Hill East Burger; Application for an Entertainment Endorsement to an existing Retailer's Class "C" Tavern License; Applicant: Benjamin Alt, hello@hilleastburger.com; Protest Deadline: 03/13/23 [6B09]

- Applicant discussed their request to play music that may require amplification. Their desire is for the music to be heard on the sidewalk café. Applicant discussed meeting with the Chair with the knowledge of the SMD Commissioner to discuss the application.
- Discussion focused on neighbor input and the outreach that was conducted by the Applicant and the SMD Commissioner, and whether the Applicant had received letters of support. Applicant started that they assumed that it was the responsibility of the Commissioner to conduct such outreach;
- The Chair noted that the business is located on a commercial corridor and on the major thoroughfare of Pennsylvania Avenue. The nearest residential building is the Roost on the south side of the Pennsylvania Avenue and the noise provision of the SA had been modified accordingly.
- Since the SMD Commissioner was not available to participate due to a separate special meeting at the same time, discussion returned to the petition deadline.
- Applicant agreed to join the ANC in requesting an extension of the petition deadline until March 17.

MOTION: Recommend that the ANC request an extension of the Petition deadline until March 17 jointly with the Applicant. To the extent that the Applicant does not provide a letter to extend the deadline, then ANC 6B should vote to protest the application for an entertainment endorsement. (Jayaraman;. Sobelsohn 2nd) Motion Passed: 6-0-2

II. Old Business

1. Discussion on the process by with ANC 6B approved the Entertainment Endorsement for Harvest Tide at the January ANC Meeting.
 - Residents near the establishment claimed that they were not notified of the application by either the Agency nor by the SMD Commissioner.
 - They should have had the opportunity to weigh in given their concerns about the existing operations of the Establishment and their view that Harvest Tide was not in compliance with their existing SA.
 - There was discussion about whose responsibility it was to notify resident—the Applicant, the SMD Commissioner or the ABC Committee Chair.
 - Residents insisted that the ANC reconsider the vote to support the Entertainment Endorsement and reopen the case for public comment.

MOTION: Recommend that the ANC reconsider the vote to support the Entertainment Endorsement for Harvest Tide (Sobelsohn; Opper-Weiner 2nd) Motion Passed: 7-0-3

Post Meeting NOTES: The Chair reached out the General Counsel at ABRA to determine what actions ABRA would take if the motion above were approved. **It is clear that ABRA would NOT entertain a vote by the ANC to retract our January approval nor rescind their Board Order dated February 1, 2023 since the petition deadline had passed.** They would file any correspondence from the ANC in the Establishment's folder but would take no action. Additionally, the neighbors who filed for party status were dismissed, by statute D.C. Code § 25- 609(b), because the ANC approved and timely submitted an Amendment to the SA. They have 10 days to file an appeal but, it is highly unlikely that they would be reinstated.

III. Discussion (continued from January)

1. Monitoring compliance with Settlement Agreements and available options. Discussion about an organized process for reviewing Settlement Agreements
 - The Committee and attending neighbors continued the discussion about how best to get input from surrounding neighbors;
 - A Commissioner suggested that the Committee create a checklist or clear process for Establishments and the Committee / Commissioners to follow that would ensure that a thorough discussion prior to ANC approval of new applications or substantial changes to an existing Establishment's operations.
 - The ABC Committee decided to create a small working group under the ABC Committee to craft a process.
 - The Chair asked for volunteers to which a number of residents on 8th street expressed interest. Additional comments included the need to have a balanced working group since the ANC area is much broader than Eastern Market and Barracks Row.
 - The Chair will select members to the working group and begin work on the checklist or process. It was agreed that once new Resident Members are appointed that the Chair would ask if any of them would be interested in this effort with the aim of creating a 7-member working group.

Potential members: Cmr. Chander Jayaraman; Katherine Szafran (RM-6B03); Ellen Opper-Weiner (RM-6B05); Marin Connelly (Resident); Andrew Petro (resident);