



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

Tuesday, September 5, 2023, 7:00 pm; Resumed Thursday September 7, 6:15 pm

REPORT

ATTENDANCE: Commissioners Chander Jayaraman (Chair & 6B06); Gerald Sroufe (6B02); David Sobelsohn (6B03); Edward Ryder (6B08);

Resident Members: George Dee (6B02); Katherine Szafran (6B03); Kristen Hutchens (6B04); Ellen Oppen-Weiner (6B05); Jonathan Levy (6B07);

I. New Business

1. ABRA-071793— Partners at 723 8th Street S.E. LLC t/a The Ugly Mug Dining Saloon/Valor Brew Pub; 723 8th Street SE; Petition deadline: September 11; Contact: Stephen O’Brien—(202) 625-7700, sobrien@malliosobrien.com [6B03]

- Application for a substantial change of an existing liquor license to add a Game of Skill endorsement to their operations.
- The Establishment plans to place three (3) consoles to offer the game Edge District by Pace-o-Matic.

CHAIR NOTES: The ANC supported an identical application for the Ugly Mug a few years ago and included it in the SA that is currently in effect. Neither I nor the Applicant are clear about why this was now placarded again. Games of skill are essentially video games where the player makes a wager that s/he can reach or exceed a score to win money. As I recall, the higher the level reached, the higher the payoff. The ANC recognized that games of skill have little adverse impact on the surrounding community which is why it was approved. One issue, however, is that the placard was issued on July 28 and the petition deadline is one day before our full ANC meeting. The Applicant is prepared to attend the Committee meeting but the ANC would not be able to take an official vote on this case before the petition deadline. Unless Commissioners have any objections, I would recommend that the ANC take on action on this case which is a tacit approval in the eyes of ABRA.

MEETING NOTES: Applicant spoke about the request and explained that the ANC had previously approved games of skill but that the game that they wanted to place at the Establishment was not one of the games on ABCA previous list of approved games. So, ABCA decided that this needed to be placarded. The ANC has already approved this seeing little to no adverse impact on the surrounding community.

MOTION: Recommend that the ANC support the request for substantial change application and place it on the consent agenda (Oppen-Weiner; Ryder 2nd) Motion Passes 8-0-1.

There was a brief discussion on whether the case could be placed on the consent agenda since there was one abstention. The Chair ruled that since there was no opposition that it could be placed on the consent agenda and that a Commissioner could remove it from consent.

2. ABRA-105990—Wineandbutter, LLC t/a Wine and Butter; Application for the renewal of a Retailers’ Class “B” liquor license with a tasting endorsement; Petition deadline October 17 [6B05]

- Hours of Operation: 7 am – 10 pm; Hours of Alcohol Sales/Service: 9 am—10 pm

CHAIR NOTES: This is a renewal application that we could consider in October but I am expecting that we will have a number of Retailers’ Class “A” and Class “B” renewals that month so I would like to move this case forward in September. I have heard nothing but positive things about this Establishment and I would go as far as to say that it is one of the gems on Capitol Hill.

MEETING NOTES: The Applicant, Mr. Atilla Suzer appeared before the committee to speak about the renewal application. He noted that Wine and Butter is well liked and frequented by residents in the neighborhood and that they have made modifications to how they serve coffee in response to members of the community who could not navigate the front steps by adding a service window on the sidewalk cafe. Mr. Suzer also indicated that there was one neighbor who regularly submits complaints to city agencies claiming that they are operating illegally and that DDOT has investigated the charges and found them to be compliant with current rules.

Much of the discussion focused on the umbrella tables and chairs that are placed right next to the street between the tree boxes. There was concern that because of their proximity to the road with no safety buffer between patron and traffic, there is a possibility of that a dangerous driver or someone having a medical emergency while driving could crash into seated patrons. My Suzer stated that he had planned to move the umbrella chairs from the edge of the curb to an area within the fence. Over the weekend, Mr. Suzer has moved all of the furniture from the curb noting that a number of patron were disappointed that he did that because “it had a European vibe.” Cmr. Durkit was not in attendance so the Chair made the following motion on her behalf.

MOTION: Recommend that the ANC support the renewal application and place it on the consent agenda [Jayaraman; Dee 2nd]. Motion Passes 9-0-0

3. ABRA-125171—DT Parentco LLC t/a Dos Toros Taqueria 215 Pennsylvania Ave SE; Petition deadline: September 25; Contact: Andrew Kline—(202) 686-7600; akline@theveritaslawfirm.com [6B02]

- Application for a new Retailer’s Class “C” Restaurant License (50 seating & 75 people capacity) with a sidewalk café for 20 patrons;
- Requested hours of operation and consumption of alcohol is Sunday through Thursday 8 am – 2 am, Friday and Saturday 8 am – 3am;

CHAIR NOTES: This is a new application, and the Chair has notified and asked the SMD Commissioner to reach out to the representative about their plans. The proposed Establishment would be located in the space formerly occupied by Firehook Bakery. There are no residential neighbors directly in front of or behind this Establishment, so noise concerns are likely not an issue. According to the facilities manager for the building owner, Public Citizen, the owner is responsible for trash management and envisions that Dos Toros would share the dumpsters currently used by Hunan Dynasty which operates on the 2nd floor of this same building. The dumpsters are located on a parking pad owned by Public Citizen about 15 feet from the back of the building and they have trash pickup 6 days a week. In the past, we have not limited the hours of operation of the sidewalk café on the 200 block of Pennsylvania Ave recognizing that there are no residential neighbors. So, an SA would really focus on maintaining the cleanliness of the sidewalk café.

MEETING NOTES: The operator and counsel for the proposed establishment appeared before the committee. They spoke about their concept and stated that they had not desire to be a bar or any sort of late night establishment. The stated that it was their intent to close at 9 pm but depending

on how well their business does, they may wish to be open until 10 pm. The applicant was open to reduced hours on the sidewalk café as well as the interior and at one point stating that 11 pm would be acceptable to them. Committee members raised the point that a similar establishment, District Taco, had sidewalk café hours only until 10 pm and opined that perhaps that should be the comparable establishment in terms of setting the hours for the sidewalk café. The chair noted via email that, according to his recollection, District Taco only requested alcohol sales until 10 PM, unlike Dos Toros which is seeking full hours.

At this point, technical difficulties due to a power outage cut off the meeting and could not be resumed. The remainder of the meeting was rescheduled for Thursday, Sept. 7 at 6:15 pm

The ABC Committee reconvened on 9/7 at 6:15 pm to continue the discussion. The Chair noted that no action on this case was necessary since ABCA had decided that the Establishment needed to restart the placarding process again and that new placards would be issued on September 15. As a result, this case will be considered at the October ABC Committee meeting. The Chair also discussed the hours of nearby establishments, and specifically Santa Rosa Taqueria noting that the hours of operation and consumption of alcohol on the sidewalk café ends at 10 PM while the interior has full hours (Sun-Thur until 2 AM; Sat-Sun until 3 AM) even though the establishment closes earlier. This is a similar case with regards to Dos Toros. In the end, the committee authorized the chair to craft a SA that limited the sidewalk café to 10 PM and negotiate hours of sales within the interior of the establishment to 11 PM or 12 Midnight as a compromise. **NO VOTE WAS TAKEN.**

4. LATE BREAKING: ABRA-077797—Café BISTRO Med, LLC t/a Café 8, Class “C” Restaurant License; CHAIR NOTES: This Establishment sent a letter to Commissioner Sroufe (forwarded to Cmr. D’Andrea and the ABC Chair) requesting to increase their current Hours of sales, service and consumption of alcohol on the interior (currently Sun-Sat. 10 AM to 1 AM) to full hours (Sun-Thurs up to 2 AM and Fri-Sat 3 AM). The Establishment would also like to get support for an Entertainment Endorsement to have a DJ until Midnight. They agreed in 2016 not to use in consideration of the residential neighbors on the 800 block of E Street SE and have taken some measures to mitigate the sound that used to travel through their walls and into the adjacent residences. The view of some neighbors is that demonstrated sound mitigation is essential to any entertainment endorsement. The Establishment is willing to make renovations and conduct a sound check as was done with “As You Are” Tavern. As many of you know, As You Are Tavern is the gold standard of sound mitigation practices in our ANC.

DISCUSSION NOTES: The chair presented the request from the applicant for longer hours and an entertainment endorsement and requested the availability of committee members to attend a sound check that the Establishment wanted to conduct. Committee members recommended that this be done via email using a doodle poll or similar manner to identify a date and time for the sound check. **NO VOTE WAS TAKEN.**

II. Other Items for Discussion

All of the discussion items below were moved to the October agenda.

1. I Egg You Protest and lessons learned
2. Notice to Cure for Establishments on the 500 block of Barracks Row
3. ABRA law review and revision upcoming this fall
4. Cannabis retailers licensing

- III. **Adjourn:** The meeting was adjourned without objection.