



**ADVISORY NEIGHBORHOOD COMMISSION 6B
ALCOHOL BEVERAGE & CANNABIS COMMITTEE MEETING**

Tuesday, November 7, 2023, 7:00 p.m.

REPORT

I. Introduction of Commissioners and Resident Members

Commissioners: Chander Jayaraman (6B06); David Sobelsohn (6B03); Edward Ryder (6B08); Frank D’Andrea (6B04); Matt LaFortune (6B09); Kasie Durkit

Resident Members: George Dee; Kristen Hutchens; Jonathan Levy; Ghoncheh Lee;

II. Old Business

1. ABRA-125171—DT Parentco LLC t/a **Dos Toros Taqueria** 215 Pennsylvania Ace SE; Contact: Andrew Kline—(202) 686-7600; akline@theveritaslawfirm.com; **Petition deadline: November 20 [6B02]**

- a. 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 sales and consumption Sun—Thurs. 8 am – 2 am, Fri—Sat 8 am – 3 am;

CHAIR NOTES: This is a case that we considered last month. The Applicant responded with edits to a draft SA but it appears that the Applicant has accepted the ANC’s proposed hours of sales and consumption of alcohol for the interior and sidewalk café. After consulting with Commissioner Sroufe about the other edits, I sent the counsel for the Applicant a clean version of the SA.

Motion: Recommend that the ANC support the new Class C Restaurant License and place it on the consent agenda pending receipt of a signed SA. If the Applicant does not return a signed SA, the Committee recommends that the ANC protest the application. (Jayaraman; Sobelsohn 2nd)
Motion 9-0-0

2. ABRA-125827—Omakase of Barracks Row LLC t/a Omakase @ Barracks Row, 522 8th Street S.E., 2nd Floor; Contact: Risa Hirao—(202) 921-7900, rhirao@pascalweiss.com; **Petition deadline: November 20 [6B04]**

- a. Application for a new Retailer’s Class “C” Tavern License (28 seating & 32 people capacity) Requested Hours of sales & consumption Sun.—Thur. 10 am – 2 am; Fri.—Sat. 10 am – 3 am

CHAIR NOTES: This is a case that we considered last month. Cmr. D’Andrea and I met with the Applicant and their counsel on site, toured the layout of the establishment, and had a very positive conversation about the SA. In consultation with Cmr. D’Andrea the Applicant and counsel was sent a final SA which they have signed and returned to the Chair.

Motion: Recommend that the ANC support the new Class “C” Tavern License and place it on the consent agenda. (D’Andrea; Sobelsohn 2nd) Motion Pass 9-0-0

III. Class A/B Renewals

1. ABRA-193687 – Radici Uno (One Root), LLC t/a **Radici**, 310-313 7th Street SE; Application for the renewal of a Retailer’s Class “B” Grocery Liquor license; Hours of Sales: Mon.-Sat. 7 am—11 pm;

Sun. 7 am – 9 pm; **Petition deadline November 20 [6B02]**

CHAIR NOTES: This is an Establishment that has become a staple in the Eastern Market Area serving coffee, pastries, sandwiches, a variety of finished goods in addition to wine. To my knowledge, there have been no concerns raised about their operations.

Motion: Recommend that the ANC support the renewal of the Class “B” Grocery License with no changes to the SA and place it on the consent agenda. (Jayaraman; Sobelsohn 2nd) Motion Pass 9-0-0

2. ABRA-123471 – RRG Catering, LLC t/a **Rose’s at Home**, 721 8th Street SE; Application for the renewal of a Retailers’ Class “B” Internet Liquor license; Hours of Sales: Sun-Sat. 7 am – 12 am; **Petition deadline November 20 [6B03]**

CHAIR NOTES: ANC 6B approved this Establishment and the license in January 2023. This is the renewal of their catering license so that they are able to deliver alcohol (paired with their food offerings) To my knowledge, there have been no concerns raised about their operations.

Motion: Recommend that the ANC support the renewal of the Class “B” Internet License with no changes to the SA and place it on the consent agenda. (Sobelsohn; Dee 2nd) Motion Pass 9-0-0

3. ABRA-100872 – Trader Joe’s East Inc t/a **Trader Joe’s #622**, 750 Pennsylvania Ave SE; Application for the renewal of a Retailer’s Class “B” Grocery Liquor license; Hours of Sales: Sun.-Sat. 8 am—10 pm; **Petition deadline December 4 [6B02]**

CHAIR NOTES: A known and welcome grocer providing a variety of fresh, frozen groceries and food as well as beer and wine options. To my knowledge, there have been no concerns raised about their operations.

Sobelsohn: Escalator security concerns. Sobelsohn had his wallet stolen. No cameras. ANC should express concern. RM Dee stated that they do have a security guard but not clear how involved the security person is in actually intervening to assist people in need. Matt Minora announced that their law firm represents Trader Joe’s on ABCA cases. Mr. Minora offered to identify a contact so that Cmr. Sobelsohn share this experience and the details of what transpired when his wallet was stolen.

Motion: Recommend that the ANC support the renewal of the Class “B” Grocery License with no changes to the SA and place it on the consent agenda. (Jayaraman; Sobelsohn 2nd) Motion Pass 9-0-0

4. **LATE BREAKING:** Midagara L.L.C t/a **DCanter**, 545 8th Street SE; Retailer’s Class “B” Grocery Liquor license; Hours of Sales: Sun.-Sat. 9 am—10 pm; **Petition deadline December 18 [6B03]**

CHAIR NOTES: This is an Establishment that has become a fixture on Barracks Row providing a broad variety of wine and specialty ales. To my knowledge, there has never been any concerns raised about their operations.

Sobelsohn: Fully supports

Motion: Recommend that the ANC support the renewal of the Class “B” Grocery License with no changes to the SA and place it on the consent agenda. (Sobelsohn; Ryder 2nd) Motion Pass 9-0-0

IV. Unfinished Business

1. ABRA-077797—Café BISTRO Med, LLC t/a **Café 8**, 424 8th Street SE Class “C” Restaurant License; Establishment requesting a substantial change to their existing liquor license
 - Expand hours of sales, service and consumption of alcohol on the interior from Sun-Sat. 10 AM

to 1 AM to full hours (Sun-Thurs up to 2 AM and Fri-Sat 3 AM).

- Add an Entertainment endorsement to have a DJ play amplified music until 2 am.

CHAIR NOTES: The Establishment has indicated that they have taken measures to mitigate noise that may be audible beyond the curbside and in the rear of the premises. They have requested a second Sound Check and are eager to get this scheduled. Given the short amount of time between the ABC Committee Meeting and the full ANC meeting and being respectful to the cooperation by the Establishment to address noise issues. A small group consisting of 2 Commissioners, 1 resident member and one neighbor attended the sound check. They had a DJ set up playing music which was measured at close to 100 dB while the measure at the front curb was under 60 dB with most of that from ambient street noise. This group also visited the rear yard of the property to check on the sound. Sound was audible but was not determined to be at a decibel level that would be disruptive to residential neighbors.

No action taken by Committee. The Chair will prepare an amended Settlement Agreement in cooperation with Commissioner D'Andrea which increases the hours of operation and consumption of alcohol, and permits entertainment on the interior, but also requires the Establishment to maintain sound mitigating practices, manage departing patrons and monitor for illegal activity immediately in front of the Establishment under a security plan that the Establishment would produce and provide to the Commission.

V. Other Items for Discussion

1. Letter to select ANC Commissions and the ABC Board in support of protesting existing liquor licenses for all Harris Teeter stores in protest of the company for refusing to put the former store space on Pennsylvania Ave SE to use.

NOTES: Harris Teeter has refused to relinquish their lease on the space since 2022. The residents of Jenkins Row have tried many avenues to get the space put to use to no avail.

Chair Ryder concurs and his residents have expressed the same concerns. Cmr. Sobelsohn

Motion: Recommend that ANC transmit letter to ABC Board and relevant ANC Commissions and send a letter to the AG [LaFortune; Sobelsohn 2nd] Motion passes 9-0-0

2. Final Cannabis Rulemaking and Retailer Licensing

- Request by counsel of a law firm who are representing a Cannabis Retailer to present on behalf of their client regarding their operations and intention to apply for a Cannabis Retailers license.

MEETING NOTES: Attorneys representing a company which has applied for the first Cannabis Retailer License application that ANC 6B attended the meeting. The Chair had a number of questions related to the final regulations including the distance requirements between establishments and the license application and approval process. Then the committee discussed the specific proposed operations of the cannabis retailers license (the first in ANC 6B). Cmr. Sobelsohn n the draft and final rulemaking planned operations of the retailers including agreement that the retailer would not allow anyone under 18 inside the store, and would only allow youth between 18-21 to enter when accompanied by a parent or guardian.

3. I Egg You Protest and lessons learned—The Chair shared some general comments on his concerns about how ABCA rules in protest hearings including concerns that the ABC Board has not provided great weight to issues raised by the ANC and articulated in the Protest Information Form. The Chair

shared that he has shared his concerns with DC Council Chairman Mendelson. The Chair asked that additional details be postponed until the next meeting when RM Opper-Weiner was able to attend the meeting.

4. Notice to Cure for Establishments on the 500 block of Barracks Row—A brief explanation of the issues was shared by the chair but not decision was made.
5. ABRA law review and revision upcoming this fall—The Chair will follow up with CM McDuffy about the official announcement of the bill and hearings.

VI. Adjourn