

Minutes
Alcoholic Beverage Licensing (ABL) Committee
Advisory Neighborhood Commission (ANC) 6A
April 19, 2016

Pursuant to notice duly given, a meeting of the Alcoholic Beverage Licensing Committee (“Committee”) of ANC 6A was held commencing at 7:00 pm on April 19, 2016 at Sherwood Recreation Center, 640 Tenth (10th) Street NE, Washington, DC 20002.

Committee Members Present: Christopher Seagle (Co-Chair), Jay Williams (Co-Chair), Justin Rzepka, and Michael Herman.

Committee Members Absent: David Oberting, Roger Caruth, and Mark Samburg.

Commissioners Present: Omar Mahmud

Community Members Present: Andrea Culoe, Frank White (Ben’s Chili Bowl), Logan Welton (Ten 01/Ben’s Chili Bowl), Jason Martin (Sticky Rice, Dangerously Delicious, Chupacabra), Sarosh Hussain (Cusbah), Pam Johnson (DC Conscious Café), James Lee (Khan’s), Steve Hessler (Gallery O on H), others.

I. Call to Order

Mr. Williams called the meeting to order at 7:05 pm. The meeting having been duly convened was ready to proceed with business with a quorum. There were no additions or edits to the agenda as published.

II. Community Comment

None.

III. Old Business

A. Mr. Williams reported that the protest hearing of Touché recently took place. He stated that he was optimistic in the outcome. Upon a question from the audience, Mr. Williams described the history with Touché and why the ANC was protesting. Mr. Williams thanked the neighbors who took time to attend the hearing and assist, and Mr. Seagle thanked Mr. Williams for representing the ANC at the hearing, which lasted more than five hours.

IV. New Business

A. Discussion of license renewal of Khan’s BBQ (1125 H Street NE) (CR License)

- Mr. Lee stated that two years ago, he agreed to amend the Settlement Agreement (SA) for Khan’s to limit the hours of his public space patio to 11:00 pm on weeknights and 12:00 am on weekends. Mr. Lee stated that he believed he had been misled and that other establishments nearby had later hours. Mr. Lee stated that he wanted to keep his patio open until 1:00 am.
- Mr. Williams explained that the ANC was committed to keeping the earlier patio hours, and that the few exceptions in 6A were due to unique issues that were not present here.
- Commissioner Mahmud stated that a few years ago, other establishments pointed to Khan’s as their justification for asking for later hours, but since then the ANC has stuck to earlier hours, except for a few places that were further from residences.
- Mr. Hussain stated that one reason for his later hours was because he had ensured soundproofing on his patio and spent money to enclose it.

- Commissioner Mahmud stated that the ANC's position is an attempt to maintain harmony between businesses and the community.
- Mr. Williams stated he was disinclined to approve any request by Khan's to change its current hours.
- The Committee took no action on the request.

B. Discussion of license renewal of Ocopa (1324 H Street NE) (CR License).

- Mr. Williams stated that he had received no complaints, and that Ocopa currently had a standard ANC 6A Settlement Agreement in place.
- There was no further discussion.

C. Discussion of license renewal of Ben's Chili Bowl (1001 H Street NE) (CR License)

- Mr. Williams explained that when Ben's Chili Bowl initially applied for its license, it refused to agree to the ANC's request for 11:00 pm/12:00 am hours on its roof deck and patio. The disagreement eventually went to a hearing, where the Alcoholic Beverage Control (ABC) Board imposed the requested hours, but that also meant there is not a Settlement Agreement in place with Ben's.
- Commissioner Mahmud reported that Ben's was willing to discuss a Settlement Agreement and that he would be setting up a time soon to meet with them. Commissioner Mahmud noted that there had been complaints related to music coming from the roof deck.
- Mr. White stated that from the beginning, the Ali family has been cooperative with the ANC and they want to be a functioning business that works with the community. Mr. White stated that Ben's Chili Bowl was open to negotiating a Settlement Agreement, but wants to make sure there is "balance" and "give and take."
- Mr. Welton admitted that he had not considered the issue of neighbors wanting to sleep in their homes nearby with the windows open, and clarified whether the main noise issue is with voices or music.
- Commissioner Mahmud reported that he had not recently spoken with nearby neighbors but that his perspective was that the issue had to do with both. However, Commissioner Mahmud stated that he was fine with voices, but the music issue was out of control recently.
- Mr. Welton stated that the establishment wants to be a great neighbor, but he felt it was unfair for businesses further from residences to have advantages.
- Commissioner Mahmud explained that the ANC had originally taken an "across-the-board" approach to hours but had to change that when the ANC realized that such an approach may not work in front of the ABC Board.

Mr. Williams moved, seconded by Commissioner Mahmud, that the ANC protest the license renewal of Ben's Chili Bowl unless a Settlement Agreement is approved prior to the protest hearing date. The motion carried 5-0, with Commissioner Mahmud voting.

D. Discussion of license renewal of Dangerously Delicious Pies (1339 H Street NE) (CR License)

- Mr. Williams stated that he had received no complaints, and that Dangerously Delicious currently had a standard ANC 6A Settlement Agreement in place.
 - There was no further discussion.
- E. Discussion of license renewal of Gallery O On H (1354 H Street NE) (CM License)**
- Mr. Williams stated that he had received no complaints, and that Gallery O currently had a standard ANC 6A Settlement Agreement in place.
 - Mr. Hessler reported that Gallery O has quintupled the amount of plants used to mitigate noise and added a tent. Mr. Hessler thanked neighbors for working with the establishment.
 - A neighbor who lives behind the establishment stated that she had no complaints.
 - There was no further discussion.
- F. Discussion of license renewal of The Argonaut (1433 H Street NE) (CR License)**
- Mr. Williams stated that he had received no complaints, and that the Argonaut currently had a standard ANC 6A Settlement Agreement in place. He also noted that he believed Argonaut was an example of an ideal good neighbor.
 - There was no further discussion.
- G. Discussion of license renewal of Da Luft (1242 H Street NE) (CR License)**
- A neighbor of Da Luft stated that last year there was a “big incident” at the establishment that spilled onto the sidewalk, and that she had concerns about safety related to the establishment.
 - Mr. Williams reported that the ANC was aware of the incident, that the Alcoholic Beverage Regulation Administration (ABRA) was still investigating it and there was a future hearing before the Board related to it. He stated that, in the past, he has heard noise complaints about the establishment.
 - Commissioner Mahmud stated that he had received some complaints, and planned to continue to monitor the establishment.
 - Mr. Williams stated that he did not believe a protest was justified at the time; he felt that the ANC and neighbors should continue to pay close attention and report concerns to ABRA.
 - There was no further discussion.
- H. Discussion of license renewal of Chupacabra (822 H Street NE) (CR License)**
- Mr. Williams stated that he had received no complaints, and that Chupacabra currently had a standard ANC 6A Settlement Agreement in place.
 - Commissioner Mahmud thanked the owners and management of Chupacabra for working out a Settlement Agreement with the community. He believes that process was a model of what the ANC tries to encourage with local businesses. He reported that he had received no complaints, including from the neighbors who were involved in negotiating the Settlement Agreement.
 - There was no further discussion.
- I. Discussion of license renewal of DC Conscious Café (1413 H Street NE) (CR License)**
- Ms. Johnson reported that the establishment was open for private events only at the moment, but expects to open fully in May 2016.

- Mr. Williams reported that the ANC did have a standard Settlement Agreement in place with the establishment, and that he had received no complaints related to the private events or otherwise.
- There was no further discussion.

J. Discussion of license renewal of Cusbah (1128 H Street NE) (CR License).

- Mr. Williams stated that he had received no complaints, and that Cusbah currently had a standard ANC 6A Settlement Agreement in place.
- Mr. Hussain stated that if there are complaints related to noise, neighbors could contact him. Mr. Hussain stated that he had just one issue with ABRA responding to a noise complaint, and it did not lead to a fine.
- Commissioner Mahmud stated that the noise issues he had heard of in the past had to do with music being played inside the establishment being heard outside.
- Mr. Hussain stated that he hoped the ANC would consider Mr. Lee's request for additional time on his patio, because he felt that he was being treated unfairly.
- There was no further discussion.

K. Discussion of license renewal of Kitty's Saloon (1208 H Street NE) (CR License)

- Mr. Williams stated that he had received no complaints, and that Kitty's Saloon currently had a standard ANC 6A Settlement Agreement in place.
- There was no further discussion.

L. Discussion of license renewal of Sticky Rice (1222-1224 H Street NE) (CR License)

- Mr. Williams stated that he had received no complaints, and that Sticky Rice currently had a standard ANC 6A Settlement Agreement in place.
- Mr. Hessler stated that Sticky Rice was a very good neighbor, and had assisted with the H Street Festival.
- Commissioner Mahmud stated that he had concerns related to trash in the alley.
- Mr. Martin stated that residents had been hanging bags of trash on their fences, which would come open and litter the alley. He also stated that some of the trash in the alley could be from Sticky Rice, and that they would be doing better in this area.
- Mr. Seagle stated he had heard of a trash issue out front as well.
- Mr. Martin stated some of it had to do with people who hang out in front of Popeye's next door.
- Commissioner Mahmud requested that Sticky Rice perform more trash sweeps, and that they needed to ensure their trash bins were kept in the fenced-in area.
- Mr. Williams recounted the establishment's obligations for preventing litter in its Settlement Agreement and encouraged Sticky Rice to make sure it was complying.
- There was no further discussion.

V. Adjourn

The Committee adjourned at 8:10 pm.