

**Minutes**  
**Alcoholic Beverage Licensing (ABL) Committee**  
**Advisory Neighborhood Commission (ANC) 6A**  
**November 17, 2015**

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 November 17, 2015 at Sherwood Recreation Center, 640 Tenth (10<sup>th</sup>) Street NE, Washington, DC 20002.

**Committee Members Present:** Jay Williams (Co-Chair), Michael Herman, Roger Caruth, and Justin Rzepka.

**Committee Members Absent:** Christopher Seagle (Co-Chair) and David Oberting.

**Commissioners Present:** Phil Toomajian.

**Community Members Present:** Kim Price, Brisa Ramirez (Sol Mexican Grill), Mark Samburg, Claude Labbe, and Andrew Vlasaty.

**I. Call to Order**

Chairman Jay Williams called the meeting to order at 7:10 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. Discussion of request by Ocopa at 1324 H Street NE (License No. ABRA-088102) for an Entertainment Endorsement.**

- Mr. Williams noted that this issue came up in the previous ABL meeting, and the concern that was raised was how they planned to have entertainment/dancing in the space. He explained that he felt that it likely would not be a problem, but that he wanted to hear from the owners regarding what their plans were. The owners have not responded to any requests to attend a meeting, and were not at either the last ABL meeting or the last ANC meeting.
- Mr. Caruth noted that the block Ocopa is on is unique because there are condos and garages on the other side of the alley, but that there is a little more space between the rear of the establishments and the residences. He did agree that space appeared fairly limited at Ocopa and was interested in hearing what their plans were.
- Mr. Williams stated that unless the ABL actually took action to decide not to protest, the ANC had already authorized a protest until it could hear from the owners. The Committee took no action.

**IV. New Business**

**A. Discussion of request by Sol Mexican Grill at 1251 H Street NE (License No. ABRA-092192) for an extension of hours for operation, alcoholic beverage sales and consumption, and live entertainment.**

- Mr. Williams introduced Ms. Brisa Ramirez, who was present on behalf of the establishment.
- Mr. Williams asked if the establishment was using an outdoor space. Ms. Ramirez said that it was, but was not sure if they had a summer garden endorsement. Mr.

- Williams then asked if they planned to have entertainment on the outdoor space. Ms. Ramirez stated that she did not know.
- Mr. Ramirez stated that the reasoning for the request was to line up their operating hours on weekends and to offer latin dancing periodically on the weekdays.
  - Committee member Michael Herman asked if the deck is enclosed, and Ms. Ramirez said they are working on enclosing it.
  - Ms. Kim Price asked how many people can be on the deck at any time. Ms. Ramirez said about ten (10) persons.
  - Ms. Price asked if any entertainment would be offered on the first (1<sup>st</sup>) floor, and Ms. Ramirez said no, because that was more of a carryout business; the entertainment would be limited to the first (1<sup>st</sup>) floor.
  - Mr. Claude Labbe asked what neighbors could expect if this change was approved. Ms. Ramirez said she did not expect much of a change, except that they would offer salsa nights on occasion.
  - Neighbors raised concerns with noise coming from the summer garden. Mr. Williams clarified that Sol had already agreed to not have entertainment on its deck in its Settlement Agreement (SA), so they would not be able to use the entertainment endorsement outside.
  - Ms. Price asked if they planned to offer entertainment during the day, and Ms. Ramirez stated that although it was being requested, the owners did not intend to start entertainment at 11:00 am because the upstairs doesn't even open until 5:00 pm.
  - Committee member Roger Caruth asked if the upstairs area has space for dancing, and Ms. Ramirez confirmed that it does.
  - Mr. Herman noted that the 11:00 am request could cover holidays that fall on weekdays, and Mr. Williams pointed out that exceptions can be worked into an agreement for certain holidays.
  - Mr. Labbe stated that he felt Sol was not a model citizen because it has not properly addressed its garbage disposal and has not communicated well with the neighbors on that issue. He stated that when meetings were held with neighbors in the alley, the owners did not send anyone. Mr. Labbe stated that he felt noise was not a concern, but that their lack of concern for garbage issues was. He asked if this was the proper process to raise these concerns.
  - Mr. Williams stated that expanded hours and an entertainment endorsement could lead to more customers, which means even more trash, making an existing problem already worse. He also noted that this process is a way to make sure the owners of Sol come to the table and discuss with neighbors.
  - Mr. Andrew Vlasaty stated that the establishment is very close to neighbors who live on Linden Place NE, and that their houses are twenty (20) feet from the dumpster. He felt that any small change in the operations of Sol could negatively affect neighbors.
  - Mr. Williams asked if any of the other neighbors present had noise concerns. They responded that their main concern was with trash.
  - Mr. Caruth asked if Sol was using a trash collection company. Mr. Labbe stated they were using Tenleytown Trash, and collecting 2 or 3 times per week.
  - Mr. Williams reviewed the current provisions for garbage collection in the settlement agreement and stated that he believed 2 or 3 times per week was very low compared to other establishments.

- Mr. Labbe noted that there were also issues with Sol leaving open cans of grease/oil sitting out in the alley, and those were being knocked over.
- Ms. Price asked if the hours being requested were normal for this neighborhood. Mr. Williams responded that they were in line with what most other establishments in the area were doing.

Mr. Williams moved/Mr. Herman seconded that the ANC protest the request by Sol Mexican Grill for an extension of its hours for operation, alcoholic beverage sales and consumption, and live entertainment, unless the ANC and Sol can reach an acceptable agreement regarding Sol's management of garbage in its alley. The motion passed 5-0, with Commissioner Toomajian voting.

#### **V. Adjourn**

The Committee adjourned at 7:40 pm.