

Minutes
Alcoholic Beverage Licensing (ABL) Committee
Advisory Neighborhood Commission (ANC) 6A
April 17, 2019

Pursuant to notice duly given, a meeting of the Alcoholic Beverage Licensing Committee (“Committee”) of ANC 6A was held commencing at 7:15 pm on April 17, 2019 at Sherwood Recreation Center, 640 Tenth (10th) Street NE, Washington, DC 20002.

NOTE: Due to Emancipation Day, this meeting was held on a Wednesday instead of Tuesday, and took place after the ANC 6A Economic Development & Zoning Committee meeting. The ANC 6A community was informed of this change via the normal announcement methods a week in advance.

Committee Members Present: Jay Williams (Chair) and Roger Caruth.

Committee Members Absent: Justin Rzepka, Mark Samburg, Ramin Taheri, and Reuben Baris.

Commissioners Present: Mike Soderman.

Community Members Present: Ericka Byrn & Simone Jacobson (Thamee (fka Sally's Middle Name)), Ramsey Taylor, Douglas Yeuell (Atlas Performing Arts Center), Michael Herman, Nick Paule (Choongman Chicken), Sandra Basanti (Dangerously Delicious Pies), Ryan Gordon (Granville Moore's and Chupacabra), Sophia Hussain (Cusbah), and Claude Labbe.

I. Call to Order

Mr. Williams called the meeting to order at 7:15pm. The meeting proceeded with a quorum present.

II. Community Comment

None.

III. Old Business

None.

IV. New Business

Mr. Williams started the meeting by explaining that during license renewal season, the Committee puts every license renewal on the agenda for discussion, regardless of whether there have been any complaints from neighbors. He explained that this is the ANC's opportunity to weigh in on establishments after they receive their initial license.

A. Discussion of license renewal of Dangerously Delicious DC LLC t/a Dangerously Delicious DC (1339 H Street NE) (CR License).

- Mr. Taylor stated that he has concerns about the sliding glass doors at the rear of the second floor. He said that the doors are periodically left open by customers and music from bands performing inside is coming out of the establishment and can be heard in his home across the alley. He noted that he believed the doors are not very soundproof, and that there are events at the establishment nearly every night with music that is not soft.
- Mr. Taylor stated that he is asking for a change to the back doors on the second floor or some other type of noise mitigation to prevent sound from reaching the alley.

- Ms. Basanti stated that the stage for performers is near the front of the building (on the H Street side), which means sound must carry a long distance through the establishment, across the back deck, and across the “hay loft” in the alley to reach Mr. Taylor’s house. She stated that the doors are not sliding doors, but a single door with an automatic closer mechanism.
- Ms. Basanti stated that all of their security guards are aware of noise concerns and make sure that customers do not prop open the doors. She also has imposed a curfew for all bands of 11:00 pm on weeknights and 12:00 am on weekends. Ms. Basanti also stated that there is a second door that could open, but that they do not utilize that.
- Ms. Basanti stated that ABRA investigators have come out frequently to investigate noise complaints and have not found any infractions. Ms. Basanti stated that she understands that music escapes when people are coming through the door, but she believes that the sound is brief and minimal. She stated that a sound engineer tested the noise during one of their first shows, and the level in the alley was no louder than a car driving by.
- Commissioner Soderman asked if the sound engineer’s reading had been documented in any way. Ms. Basanti said she was not sure and that it happened a while ago.
- Commissioner Soderman asked if Dangerously Delicious Pies was opposed to coming up with additional measures to mitigate noise coming off the back of the patio. Ms. Basanti said she was not opposed to additional measures but she could not afford major changes.
- Mr. Caruth reviewed photos provided by Mr. Taylor and asked for clarity regarding structures behind the back patio. Ms. Basanti explained that behind the shop is about 20 feet of empty space, then an old single-story hay loft/garage.
- Mr. Taylor stated that if the noise reading was taken on the ground floor, that is different than the sound carrying across the alley to the second floor of his house, which is where he is having the most problems.
- Ms. Basanti stated that there is no way to prove that the noise Mr. Taylor is hearing is coming from Dangerously Delicious, rather than another establishment nearby, particularly since some of those establishments have music in their outdoor space.
- Mr. Taylor stated that he has heard noise when Dangerously Delicious was having a band perform and no other establishments are not. He stated that he can walk through the alley and tell who is generating noise.
- Commissioner Soderman asked if Dangerously Delicious could install curtains similar to those near the stage along the back wall of the second floor to create an additional sound buffer. Ms. Basanti stated she was not sure and would need to think about it.
- Mr. Williams stated that curtains seemed like a reasonable solution, provided they could be open when bands are not performing, because he did not want to take away from the aesthetics of the glass windows and doors.
- Commissioner Soderman said another option would be to raise the back walls of the patio and possibly add vegetation as an additional buffer.
- Ms. Basanti said they could consider adding something to the top of the hay loft behind the establishment to provide more of a buffer. She stated that she understands the noise concerns and is trying her best not to be a nuisance, but that funds were limited. She said she was happy to further discuss feasible solutions. She stated that she had not received negative feedback from other neighbors.

- Mr. Williams stated that the conversation could be continued after this meeting, as everyone needed more time to discuss and work out a compromise.
- Commissioner Soderman suggested that the establishment consider some sort of sun shade or awning that can be moved/raised/lowered depending on the season.
- Mr. Taylor stated that he was willing to discuss options, but also noted that he did not believe that wood was a good option because it is not good for noise mitigation.
- Mr. Williams briefly explained the protest process.
- Mr. Caruth stated that there were similar issues on the 1100 block of H Street NE and those establishments worked out noise mitigation solutions that may be a useful reference here.

Mr. Williams moved/seconded by Commissioner Soderman, to recommend that the ANC protest the license renewal of Dangerously Delicious Pies unless the parties can agree to additional sound mitigation measures. The motion passed 3-0 (with Commissioner Soderman voting).

B. Discussion of license renewal of Happy Choongman, Inc. t/a Choongman Chicken and Seafood (1125 H Street NE) (CR License).

- Mr. Paule stated that he was putting in a request to adjust his hours to open at 4:00 pm instead of 7:00 am on weekdays. On Fridays and Saturdays he would open at 12:00 noon and close at 2:00 am.
- Mr. Williams asked if there were any plans to change the sidewalk café hours, and Mr. Paule said there were not.

Mr. Williams moved/seconded by Mr. Caruth, to recommend that the ANC take no action on the license renewal of Choongman Chicken. The motion passed 3-0 (with Commissioner Soderman voting).

C. Discussion of license renewal of Steak Ice 1310 H LLC t/a Sally's Middle Name (1320 H Street NE) (CR License).

- Ms. Byrn and Ms. Jacobson introduced themselves as the individuals who will be operating Thamee, which is taking over this location. They stated that the establishment will be DC's only Burmese restaurant. They plan to be open every day except for Tuesday, and plan to open in mid-May 2019.
- Mr. Williams explained that the prior license and settlement agreement (SA) would transfer over, and unless they were attempting to change the hours, the ANC would not need to act to keep the SA in place.

Mr. Williams moved/seconded by Mr. Caruth, to recommend that the ANC take no action on the license renewal of Thamee. The motion passed 3-0 (with Commissioner Soderman voting).

D. Discussion of license renewal of RR4, LLC t/a RedRocks (1348 H Street NE) (CR License).

- Mr. Williams stated that there had been some noise complaints a long time ago, but nothing recent.

Mr. Williams moved/seconded by Commissioner Soderman, to recommend that the ANC take no action on the license renewal of RedRocks. The motion passed 3-0 (with Commissioner Soderman voting).

E. Discussion of license renewal of Chupacabra, LLC t/a Chupacabra (822 H Street NE) (CR License).

- Mr. Gordon stated that Chupacabra had recently opened up for the season; it had been open Thursday through Sunday for the past month and expanded to full-time today.
- Mr. Williams stated that he had received no noise complaints or any other concerns from neighbors, and that Chupacabra had done a good job of working with nearby neighbors when it first opened.

Mr. Williams moved/seconded by Mr. Caruth, to recommend that the ANC take no action on the license renewal of Chupacabra. The motion passed 3-0 (with Commissioner Soderman voting).

F. Discussion of license renewal of SJ Enterprises, LLC t/a Cusbah (1128 H Street NE) (CR License).

- Mr. Williams stated that he had received no noise complaints or any other concerns from neighbors.

Mr. Williams moved/seconded by Commissioner Soderman, to recommend that the ANC take no action on the license renewal of Cusbah. The motion passed 3-0 (with Commissioner Soderman voting).

G. Discussion of license renewal of Granville Moore's Brickyard LLC t/a Granville Moore's Brickyard (1238 H Street NE) (CR License).

- Mr. Williams stated that he had received no noise complaints or any other concerns from neighbors.

Mr. Williams moved/seconded by Commissioner Soderman, to recommend that the ANC take no action on the license renewal of Granville Moore's. The motion passed 3-0 (with Commissioner Soderman voting).

H. Discussion of license renewal of Smith Commons DC LLC t/a Smith Commons (1245 H Street NE) (CR License).

- Mr. Williams stated that he understood there were some neighbor concerns regarding trash management at Smith Commons as well as at Sol Mexican Grill.
- Mr. Labbe stated that the issue is also with Pow Pow, but that Pow Pow does not have a liquor license. Mr. Labbe stated that the issue relates to overflowing dumpsters, trash piling up and those items blocking the entrance to the alley, preventing DC garbage trucks from entering. The garbage is also causing an issue with rats. He also stated that part of the problem is that Sol is using Smith Commons' dumpsters.
- Mr. Labbe also stated that there is a linen closet in the back that is piled up with soiled linens.
- Mr. Labbe stated that a trash compactor would help the issue.
- Mr. Labbe said he did not have any major concerns regarding noise from Smith Commons, and that they are not the main offender when it comes to noise.

- Mr. Williams asked if Smith Commons had discussed a trash compactor in the past. Mr. Labbe stated that the topic has come up during neighbor walkthroughs, but there has not been anything specifically compelling them to install one.
- Commissioner Soderman suggested that another solution could be to change/add trash collection days to help prevent trash from piling up on the weekends.
- Mr. Caruth stated that there could be an issue with access and that Smith Commons may not be the primary bad actor. He said it sounds like a major problem is different DC agencies passing the buck. Mr. Caruth suggested that increasing the frequency of trash collection and changing the days of collection could solve the problem.

Mr. Williams moved/seconded by Commissioner Soderman, to recommend that the ANC protest the license renewal of Smith Commons unless the parties can reach an agreement regarding reasonable trash mitigation and linen storage issues. The motion passed 3-0 (with Commissioner Soderman voting).

I. Discussion of license renewal of Atlas Performing Arts Center (1333 H Street NE) (CM License).

- Mr. Williams noted that there had been some discussion of amending the existing settlement agreement because it was old. Mr. Yeuell stated that they were no longer interested in changing the SA because it still works for them.

Mr. Williams moved/seconded by Commissioner Soderman, to recommend that the ANC take no action on the license renewal of the Atlas Performing Arts Center. The motion passed 3-0 (with Commissioner Soderman voting).

J. Discussion of license renewal of Imm on H, LLC t/a Imm On H (1360 H Street NE) (CR License).

- Mr. Williams stated that he had received no noise complaints or any other concerns from neighbors.

Mr. Williams moved/seconded by Commissioner Soderman, to recommend that the ANC take no action on the license renewal of the Imm on H. The motion passed 3-0 (with Commissioner Soderman voting).

K. Discussion of license renewal of 1291 Hospitality Group, LLC t/a Stable DC (1324 H Street NE) (CR License).

- Mr. Williams stated that he had received no noise complaints or any other concerns from neighbors.

Mr. Williams moved/seconded by Mr. Caruth, to recommend that the ANC take no action on the license renewal of the Atlas Performing Arts Center. The motion passed 3-0 (with Commissioner Soderman voting).

V. Adjourn

The Committee adjourned at 8:15 pm.