

Minutes
Alcoholic Beverage Licensing (ABL) Committee
Advisory Neighborhood Commission (ANC) 6A
May 21, 2019

Pursuant to notice duly given, a meeting of the Alcoholic Beverage Licensing Committee (“Committee”) of ANC 6A was held commencing at 7:05 pm on May 21, 2019 at Sherwood Recreation Center, 640 Tenth (10th) Street NE, Washington, DC 20002.

Committee Members Present: Mark Samburg (Chair), Roger Caruth, Ramin Taheri, Justin Rzepka

Committee Members Absent: Jay Williams and Reuben Baris.

Commissioners Present: Mike Soderman.

Community Members Present: Kyle Russell, Stephen Hessler, and MaryEllen Vehlow (Gallery O on H), Pleurat Hundozi.

I. Call to Order

Mr. Samburg called the meeting to order at 7:05pm. The meeting proceeded with a quorum present. The April minutes were approved unanimously.

II. Community Comment

None.

III. Old Business

None.

IV. New Business

- Mr. Samburg 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.
 - Mr. Samburg explained that to his knowledge, the ABL had not received any complaints about any of the establishments on the agenda.
- A. Discussion of license renewal of Quara Ethiopian Fusion Restaurant, LLC t/a Quara Ethiopian Fusion Restaurant (818 H Street NE) (CR License).**
- No discussion.
- B. Discussion of license renewal of DC Conscious Café LLC t/a C Conscious Café (1413 H Street NE) (DR License).**
- No discussion.
- C. Discussion of license renewal of Gallery O, LLC t/a Gallery O on H (1354 H Street NE) (CM License).**
- No discussion.
- D. Discussion of license renewal of Maketto LLC, t/a Maketto (1351 H Street NE) (CR License).**
- No discussion.

- Mr. Samburg moved that the ABL recommend the ANC take no action on any of the above-listed license renewals. Mr. Caruth seconded, and the motion passed unanimously.

E. Discussion of request for change in hours by RR4, LLC t/a RedRocks (1348 H Street NE). Proposed change in hours of live entertainment inside premises and in outdoor summer garden as follows:

- Sunday: Currently 6 pm-11 pm; Proposed 10 am-11 pm
 - Monday-Wednesday: Currently N/A; Proposed 10 am-11 pm
 - Thursday: Currently 6 pm-1:30 am; Proposed 10 am-1:30 am
 - Friday-Saturday: Currently 6 pm-2:30 am; Proposed 10 am-2:30 am
- Mr. Russell stated that Gallery O on H and neighboring properties have problems with the noise coming from RedRocks, and indicated that the music from RedRocks has hit 80 decibels in the Gallery's courtyard. Mr. Russell stated that Gallery on O is seeking "friendly mediation" with RedRocks, but has been unable to get them to engage.
 - Mr. Hessler stated that Gallery on O is trying to get RedRocks to follow what he would call a "good neighbor policy." Mr. Hessler expressed concern that by expanding the hours for entertainment, the intrusive sound would simply begin earlier and last longer. Mr. Hessler stated that he has been trying to speak with ownership from RedRocks about this issue, and has been unable to reach them. Mr. Hessler stated that Gallery on O is one of the last surviving art institutions in the neighborhood.
 - Commissioner Soderman asked Mr. Hessler whether he has called RedRocks at the number listed on their hearing notice.
 - Mr. Hessler stated that he has been calling them since last August.
 - Commissioner Soderman asked whether Gallery on O's specific problem was noise.
 - Mr. Hessler stated that it was—specifically the timing, control, and volume of the noise in violation of the settlement agreement. Mr. Hessler noted that the noise is audible as far as 1354 H Street.
 - Mr. Samburg stated that the present members did not have a copy of RedRocks settlement agreement available and asked whether Mr. Hessler believed that RedRocks was in violation of its settlement agreement.
 - Mr. Hessler stated that he believes RedRocks is in violation of its settlement agreement, and described several specific things: RedRocks patrons urinating and vomiting on Gallery O's stoop; trash bins, tables, and chairs being left in Gallery O's courtyard space; loitering; a lack of soundproofing; and being told by RedRocks to contact the building owner about improving soundproofing after a recent fire, indoor music from RedRocks being audible outside RedRocks, and having the building owner inform him that RedRocks was controlling the repairs.
 - Mr. Taheri asked whether these issues were separate from the extension of entertainment hours. Mr. Hessler stated that extending entertainment hours would cause these issues to occur at more times. Mr. Russell stated that interior sound from RedRocks is completely audible from inside at Gallery O, and that sound from RedRocks' former roof deck reached 80 decibels in Gallery O's courtyard. Mr. Russell noted that RedRocks noise has reached the outdoor space at Impala at a sufficient volume to inconvenience Impala.

- Mr. Hessler stated that Gallery O deliberately does not complain about the noise because they want to be good neighbors and resolve this amicably.
- Mr. Samburg stated that Gallery O should report the violations and build a record of them.
- Mr. Hessler stated that Gallery O wants to resolve this amicably.
- Mr. Caruth stated that Gallery O should report the violations and build a record of them.
- Mr. Russell stated that Gallery O wants to resolve this quickly, while the RedRocks roof deck is being repaired.
- Commissioner Soderman stated that Gallery O should report the violations and build a record of them.

Mr. Caruth moved, and Commissioner Soderman seconded, that the Committee recommend that the ANC protest RedRocks' request for an extension of entertainment hours unless RedRocks makes satisfactory efforts to comply with the terms of its settlement agreement, including terms regarding noise reduction and control. Motion passed unanimously.

F. Discussion of request for sidewalk café endorsement by Red & Black LLC t/a 12 Twelve DC/Kyss Kyss (1210-1212 H Street)

- Commissioner Soderman suggested that, in the absence of more information or the presence of representatives from Kyss Kyss, further information-gathering about the proposal was appropriate.

Commissioner Soderman moved, and Mr. Caruth seconded, that the committee recommend that the ANC protest the request pending a satisfactory discussion about the request between representatives of Kyss Kyss and the chair or chairs of the ABL.

V. Adjourn

The Committee adjourned at 7:44 pm.