

Minutes
Alcoholic Beverage Licensing (ABL) Committee
Advisory Neighborhood Commission (ANC) 6A
Tuesday, May 25, 2021, 7:00 pm
Virtual Meeting—Held on Zoom

Pursuant to notice duly given, a meeting of the Alcohol Beverage Licensing Committee (“Committee”) of ANC 6A was held commencing at 7:00 pm EST on May 25, 2021, on a publicly posted Zoom event.

Committee Members Present: Nick Alberti (Co-Chair), Mark Samburg (Co-Chair), Mona Hatoum

Committee Members Absent: Kate Robinson

Commissioners Present: Keya Chatterjee, Robb Dooling, Mike Soderman, Brian Alcorn

Establishment Representatives Present: Matthew Minora, Olivier Caillabet, Praveen Goyal, Sandra Basanti, Risa Hirao, Sachin Behl, Jasey Briley, Jon Briley, Anthony Brunson, Michael Bryant

Commissioners from other ANCs present: Karen Wirt (6C02), Jay Adelstein (6C03), Joel Kelty (6C05)

I. Call to Order/Approval of Agenda

- Mr. Mark Samburg called the meeting to order at 7:02 pm and reminded attendees that the meeting was being recorded. Mr. Samburg moved that the agenda be approved, Commissioner Mike Soderman seconded, and the motion carried, 6-0.

II. New Business

- Discussion of application by Toki 1244 H Street NE, LLC t/a Toki Underground at 1244 H Street, NE (ABRA #118153) for a Class C Tavern License.
 - A representative from the establishment reviewed the application.
 - Commissioner Soderman, Mr. Nick Alberti, and Mr. Matthew Minora discussed the proposed hours of summer garden operation and outdoor entertainment. Mr. Caillabet indicated that sound mitigation measures would be in place. Mr. Minora indicated a willingness to find an arrangement for use of outdoor space to address noise.
 - Ms. Mona Hatoum indicated general support for Toki’s application, and noted that outdoor entertainment has been permitted in some instances.
 - Commissioner Robb Dooling indicated that he would support changes to outdoor entertainment restrictions.
 - Mr. Alberti and Commissioner Soderman indicated concerns about sound from outdoor space, including in nearby homes.
 - Mr. Alberti indicated that he believes the commissioner in whose SMD the establishment is located should take the lead in negotiating a settlement agreement. Commissioner Soderman and Mr. Samburg indicated their view that the ABL should remain heavily involved because of ANC-wide implications.

- Commissioner Keya Chatterjee indicated that neighbors support the application and that she would be happy to negotiate the Settlement Agreement (SA).
 - Commissioner Dooling moved that the ABL recommend that the ANC protest the application unless a signed settlement agreement is filed, and that Commissioner Chatterjee and Ms. Hatoum lead negotiations with the establishment and that Commissioner Amber Gove, Mr. Alberti, and Mr. Samburg also be authorized to represent the ANC. Ms. Hatoum seconded, and the motion passed 7-0.
- Discussion of request by Dangerously Delicious DC LLC t/a Pie Shop at 1339 H Street, NE (ABRA #087422) for modification of its settlement agreement to permit outdoor patio entertainment.
 - Ms. Sandra Basanti indicated her interest in being able to provide amplified sound outdoors for events like wine tastings, trivia, or comedy.
 - Mr. Samburg moved that the ABL recommend that the ANC approve modifications to the establishment's settlement agreement consistent with the outdoor entertainment provisions of any finalized settlement agreement with Toki. Ms. Hatoum seconded, and the motion passed 7-0.
- Discussion of application by Exotic Wine and Spirit, Inc. t/a Exotic Wine & Spirits at 801 Maryland Avenue, NE (ABRA #118158) for a Class A Retailer's License.
 - Ms. Risa Hirao and Mr. Sachin Behl summarized the establishment's application.
 - Commissioner Soderman indicated concern about the establishment's hours and whether the establishment would offer prepared food. Mr. Behl indicated that there would be no prepared food, and Ms. Hirao indicated a willingness to negotiate shorter hours.
 - Commissioner Jay Adelstein (6C03) asked what the smallest quantities of alcohol that could be purchased would be. Mr. Adelstein, Mr. Behl, Ms. Hirao, Commissioner Soderman, Mr. Alberti and Commissioner Dooling discussed minimum sales amounts; Ms. Hirao and Mr. Behl indicated that beer would be sold consistent with the Ward 6 singles ban, that liquor would be sold in half-pints or larger, and that wine would be sold in 375 ml. or greater bottles, and that miniatures would be sold in groups of six or more.
 - Mr. Alberti asked whether the establishment would have exterior cameras, and Mr. Behl indicated that it would.
 - Mr. Adelstein indicated that the establishment is adjacent to a bus transfer spot, and that there is nearby at-risk children's housing, and noted that the prior occupant had a desk available for MPD use.
 - Ms. Hirao indicated that the establishment would be amenable to adjusting its hours to open at 10:00 am, with a 10:00 pm close during the week and later on weekends.
 - A community member indicated concern with litter from the establishment, and asked whether the establishment would sell tobacco and lottery tickets. Ms. Hirao indicated that the establishment would not produce food packaging waste, and that the establishment would have regular trash cleanup. Mr. Behl indicated

that the establishment will sell cigars from a humidor, cigarettes, and lottery tickets.

- Mr. Alberti moved that the ABL recommend that the ANC protest the establishment's application unless a signed settlement agreement is finalized, and that Commissioner Gove, Commissioner Chatterjee, Commissioner Soderman, Mr. Alberti, and Mr. Samburg represent the ANC in this matter. Mr. Samburg seconded, and the motion passed, 7-0.
- Mr. Samburg moved that the final two items on the agenda be reversed. Mr. Alberti seconded, and the motion passed 7-0.
- Continued discussion of application by 18th and D Liquors, Inc. t/a Master Liquors at 1806 D Street, NE (ABRA #074594) for renewal of its Class A Retail License.
 - Mr. Jasey Briley indicated that the establishment has a contract for a fence around the parking lot and hopes that work on the fence, secured with a PIN lock, will start in three weeks.
 - Community members raised concerns about: public urination, engagement with MPD, littering, and details about the fence around the parking lot. Mr. Briley indicated that he did not have a solution to the public urination problem, but is open to ideas. Mr. Briley indicated a willingness to engage with the Metropolitan Police Department (MPD), but has a concern that MPD will tell individuals when he calls, and that the fence around the lot would only have one entry, locked, on the D Street NE side.
 - Mr. Samburg asked whether Master Liquors would be amenable to a provision in the settlement agreement granting standing permission to MPD to operate in the parking lot as needed. Mr. Alberti asked whether the establishment would be amenable to provisions in the settlement agreement requiring no trespassing signs on the parking lot fence and requiring the establishment to call MPD as needed and retain call logs. Mr. Alberti asked whether the establishment would be amenable to working limited operating hours into the settlement agreement with a sunset clause to protect the establishment's resale value. Mr. Briley indicated that the establishment would agree to all of those provisions.
- Discussion of application by Wasted, Inc., t/a Cru Hemp Lounge at 816 H Street NE (ABRA #117958) for a Class C Tavern License.
 - Mr. Samburg noted that he would not participate in discussions of Cru, and that Mr. Alberti would be conducting the discussion.
 - Mr. Anthony Brunson described the establishment's application, and indicated that the establishment is awaiting a DOH permit for hookah.
 - Commissioner Joel Kelty (6C05) expressed concerns about the legality of hookah and the potential effects of the establishment on H Street.
 - Commissioner Karen Wirt (6C02) expressed that adding substances to hookah is illegal.
 - Mr. Brunson noted that Cru's business is only about 5% hookah.

- Mr. Alberti noted the ANC's support for lawful businesses, and Mr. Alberti and representatives from Cru discussed ventilation systems.
- Ms. Hatoum noted that the ABL's purview is limited to the liquor license. Mr. Alberti agreed, and noted that a settlement agreement could effectively address other concerns.
- Mr. Brunson noted that the business will comply with the law. Commissioner Kelty expressed his view that the establishment would be in a problematic location, and that ANC 6C has had problems with other hookah bars.
- Mr. Alberti noted that he wanted the settlement agreement to include an assurance that the establishment would provide the ANC with all permits from DOH pertaining to hookah, and a commitment not to store, give, exchange, barter, or sell any THC products in the establishment. Representatives from Cru indicated their amenability to these provisions.
- Mr. Alberti moved that the ABL recommend that the ANC protest the application unless a signed settlement agreement was reached, and that Commissioner Gove, Commissioner Chatterjee, Mr. Alberti, and Ms. Hatoum be authorized to represent the ANC. Commissioner Soderman seconded, and the motion carried 5-0.

III. Adjourn

The Committee adjourned at 10:10 pm.

Next meeting date: June 22, 2021, 7:00 pm.