

Minutes
Alcoholic Beverage Licensing (ABL) Committee
Advisory Neighborhood Commission (ANC) 6A
June 19, 2018

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 17, 2018 at Sherwood Recreation Center, 640 Tenth (10th) Street NE, Washington, DC 20002.

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

Commissioners Present: Sondra Phillips-Gilbert.

Community Members Present: Claude Labbe, Adam Goldstein, Patrick McKinnis (Smokin’ Pig), Cynthia Gibson (Smokin’ Pig), Leoma Carter (Smokin’ Pig), David Batista (The Little Grand).

I. Call to Order

Mr. Williams called the meeting to order at 7:05 pm. The meeting proceeded with a quorum present.

II. Community Comment

Mr. Goldstein spoke to the Committee regarding problems he has had with noise coming from Dirty Water. Mr. Goldstein has lived at Eighth (8th) and H Street NE for more than four years. He believes that Dirty Water is not following the terms of its Settlement Agreement. Specifically, they are playing music in their outdoor space, staying open beyond agreed-upon hours, and noise can be heard inside Mr. Goldstein’s home. Mr. Goldstein says that he has tried to work with the management at Dirty Water (as have other neighbors) and have called the police several times due to noise complaints, but there has been no resolution. Mr. Williams stated that he would investigate and reach out to the owners himself, as well as consider an ABRA report if the owners’ response was insufficient. He also asked that Mr. Goldstein contact ABRA as well whenever there are noise concerns or other SA violations, to help build a record.

III. Old Business

None.

IV. New Business

A. Discussion of new establishment, Smokin’ Pig (1208 H Street NE), potential transfer of license from Touché (1123 H Street NE), and request for a stipulated license while the placard is pending.

- Ms. Carter stated that Smokin’ Pig is applying for a stipulated license while the placard is pending. She stated that she believes that the concerns about Touché Live have been addressed and that Ms. Gibson had no association with XII, so that any concerns related to XII were irrelevant.
- Mr. Williams asked what the current timeline for opening is. Ms. Gibson stated that they hope to submit the full application for the license transfer next week, starting the forty-five (45)-day placard period. They hope to open sometime in August 2018.

- Mr. Samburg asked, if everything goes well, when do they hope to open their doors? Ms. Gibson said they hope for July 1, 2018 (there was some confusion with the earlier question).
- Ms. Gibson stated that she is running this business herself and wants to show her nine (9) female grandchildren that a woman can run a business.
- Mr. Williams stated that, at the last meeting, Ms. Carter represented that they did not plan to use their entertainment endorsement, which would transfer over from Touché's license. He asked Ms. Carter if they would be willing to add language to the Settlement Agreement stating that they would not offer any kind of entertainment. Ms. Carter said they would not be willing to; they do not want to change their license at all and want the option to have background dinner music, etc.
- Mr. Samburg asked what they envision for the establishment. Ms. Gibson said it would be a southern-style barbecue restaurant. They would sell food and different types of alcohol. It would be a laid-back, casual restaurant.
- Ms. Gibson said that she understands the concerns about the past history but feels that it is unfair to talk about the history of XII.
- Mr. Williams stated that XII was run by Ms. Gibson's son, so it is reasonable to consider that history as well; however, even just focusing on the history of Touché, there are a lot of concerns.
- Mr. Samburg asked Ms. Gibson what her role was at Touché. Ms. Gibson was the cook and managed the food program.
- Mr. Williams asked for more information about the marijuana event that took place at Touché in December and resulted in an MPD/ABRA response.
- Ms. Carter stated that they do not want to talk about the party and did not want to say anything that could later get them in trouble.
- Commissioner Phillips-Gilbert stated that she felt it was unfair to bring up the event at this meeting.
- Mr. Williams stated that he believed it was relevant because such an event was run by the same management group and was clearly a violation of numerous DC laws and regulations. He said he could not force anyone to talk about things they will not talk about, but he felt that the event is relevant to the transfer of the license.
- Commissioner Phillips-Gilbert stated that there are a number of these types of events and other issues happening on H Street all the time, but we do not know about them because they are kept quiet.
- Mr. Labbe stated that he agrees that is happening, but there is a broad range of issues across these establishments. Mr. Labbe stated that he has come to these meetings several times and heard similar promises from the management group behind this license and agrees that the ANC should be more cautious.
- Mr. Samburg asked what the service hours would be for food. Ms. Carter said that they would open at 11:00 am and the kitchen would remain open until closing.
- Mr. Williams asked if they would agree to language in the SA stating that the kitchen would stay open until at least 1 hour before closing. Ms. Carter said that they would.
- Mr. Williams said that there are two proposals on the table: one having to do with when the kitchen closes, and one having to do with entertainment. Mr. Williams stated he was willing to work out language that limits entertainment in some way, but still allows it in certain circumstances, such as for acoustic music or background music.

- Commissioner Phillips-Gilbert stated that she felt that the ANC needs to let the owners prove themselves to be good neighbors, and if there are problems neighbors know how to bring them up and the ANC will address them then.
- Mr. Williams stated that he believed these owners had had plenty of opportunities to prove themselves, and they had numerous complaints and issues. Mr. Williams stated that once a license is issued, there are fewer ways for the ANC to enforce issues until the next renewal period comes up, which makes things difficult.
- Ms. Carter stated that she has spoken with the people next to XII and discussed how they dealt with music issues.
- Mr. Samburg stated that he is hesitant to look too much into the history of the license, because if we were viewing this as a new license application, we would not be having this conversation.
- Mr. Williams stated that this is not a new license; it is a license transfer and it is reasonable to consider the history on the license, since it is the same ownership.
- Mr. Herman stated that he is torn, and that he feels that the Committee is being asked to make a decision on the fly without a lot of information. Mr. Herman stated that he was leaning in favor of a restriction on the entertainment endorsement.
- Commissioner Phillips-Gilbert stated that she was disappointed the applicants were being put through this, and she hopes that they get everything in their existing license and agreement.
- Mr. Goldstein noted that he does not believe it is easy for neighbors to bring up issues and have them addressed after a license is issued.

Mr. Williams moved/seconded by Mr. Herman, to recommend that the ANC protest the license transfer of Touché to Smokin' Pig unless a signed settlement agreement is submitted that includes language stating that the kitchen must remain open until at least one hour prior to closing of the establishment. The motion passed 4-0 (with Commissioner Phillips-Gilbert voting).

Mr. Williams moved/seconded by Mr. Herman, to recommend that the ANC protest the license transfer of Touché to Smokin' Pig unless a signed settlement agreement is submitted that includes language restricting the entertainment offered to acoustic (non-amplified) music. The motion failed 2-2 (with Commissioner Phillips-Gilbert voting).

B. Presentation by David Batista on behalf of new establishment opening in the Apollo development on H Street NE. Note: Establishment is located in ANC 6C, but adjacent to ANC 6A.

- Mr. Batista introduced himself. He is the owner of All Souls Bar in Shaw. That establishment has been open for nearly five (5) years. He has been working with Insight Development Group to open a space in the Apollo development.
- The space will be behind Solid State Books, with an entrance in the alley off of Seventh (7th) Street. He recently signed a lease this month and applied for a liquor license. He hopes for a placard by June 29, 2018.
- The establishment will be called the Little Grand. It will be 1,200 square feet, and he will be seeking a CT license. The approach will be similar to All Souls—simple bar, curated liquor, wine, and beer menu. The quality of the menu will be high (e.g., no rail liquors), but there will be reasonable prices.

- Mr. Batista also said he plans to have a chef serving pizza. The chef has experience in several past restaurants and comes from a family of bakers. He sees the establishment as a “pizzeria with a bakery mentality, and a bar with a restaurant mentality.”
- The establishment will apply for an entertainment endorsement as well as patio space, but Mr. Batista was not sure if there was sufficient space for a patio outside.
- Mr. Williams asked when he plans to open. Mr. Batista said he is hoping to open by the end of the year, but likely not until 2019.
- Mr. Williams noted that if there was a patio space, it could affect the residences along Seventh (7th) Street, but that those residences were in 6C as well, and he understood that 6C was handling its own review and negotiation with the Little Grand. Mr. Batista also noticed that space directly above the establishment is not residential; it is the WeWork space.
- Mr. Williams stated that he did not believe any action was needed by ANC 6A, because this was in 6C, and he was confident 6C would address any concerns moving forward.

V. Adjourn

The Committee adjourned at 8:01 pm.