

Minutes
Alcoholic Beverage Licensing (ABL) Committee
Advisory Neighborhood Commission (ANC) 6A
August 21, 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 August 21, 2018 at Sherwood Recreation Center, 640 Tenth (10th) Street NE, Washington, DC 20002.

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

Committee Members Absent: Christopher Seagle (Co-Chair) and Mark Samburg.

Commissioners Present: Mike Soderman.

Community Members Present: Sidon Yohannes (Kitsuen), Wayne Johnson (Kitsuen), Anthony Perry (Kitsuen), Sandra Basanti (Dangerously Delicious Pies), Casey Callister (Duffy’s Irish Pub).

I. Call to Order

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

II. Community Comment

Ms. Basanti spoke to the Committee on behalf of several establishments on H Street to raise concerns about a neighbor who they believe is being particularly aggressive in complaining about noise and other similar issues. Ms. Basanti stated that many of these establishments have female managers, and they feel threatened by this person’s actions. Ms. Basanti stated that the establishments were concerned that these issues would only increase as new locations opened up, and others worked to have more outdoor seating. Mr. Williams acknowledged the concerns and stated that he sees the Committee’s role as representing the residents of ANC 6A, but that there needed to be some reasonableness to the issues raised by neighbors, and it was his job (and the Committee’s) to determine what stances were reasonable and what were not. He noted that he was aware of some of the concerns regarding this individual and that he was attempting to mediate between the individual and the businesses. He also noted that if managers (or other employees) felt threatened, they should call the police if necessary.

III. Old Business

None.

IV. New Business

A. Discussion of request for new class CT license by DC Culinary Academy, LLC t/a The Outsider at 1357-1359 H Street NE (License No. ABRA-110889).

- Mr. Williams noted that he had reached out to the representatives of the establishment but had not heard from them yet. He said he hoped that he would hear from them soon and that a standard settlement agreement could be worked out.

Mr. Williams moved/seconded by Mr. Herman, to recommend that the ANC protest the request for a new CT license by DC Culinary Academy, LLC t/a The Outsider at 1357-1359 H Street NE (License No. ABRA-110889) unless a signed settlement agreement is

submitted before the protest petition date. The motion passed 5-0 (with Commissioner Soderman voting).

B. Discussion of request for new class CT license by Kitsuen, LLC t/a Kitsuen at 1362 H Street NE (License No. ABRA-110893).

- Ms. Yohannes introduced herself as counsel for Kitsuen and introduced Mr. Perry and Mr. Johnson, co-owners of the establishment. Messrs. Perry and Johnson are currently minority partners in a nightclub in Northwest, St. Yves. This is their first venture into a food and beverage establishment.
- The concept for Kitsuen is a high-end ramen shop that also serves craft cocktails. The menu will be streamlined, with a small number of items—likely four different bowls with add-ons and steamed buns.
- There are plans for a summer garden; there will be shrubbery and other items around the perimeter to create a buffer, and there will be no noise or music outside. Management will ensure that conversational noise is kept to a reasonable level.
- Mr. Caruth suggested that management develop a trash collection plan as soon as possible, because that is a typical sticking point with neighbors close by. He also suggested the owners consider brick or concrete for the summer garden enclosure. Mr. Johnson stated that the summer garden will have a concrete barrier approximately four feet high, plus the plants discussed previously.
- Mr. Williams explained the typical settlement agreement process and asked if Kitsuen was willing to negotiate a settlement agreement. Ms. Yohannes stated that Kitsuen was willing to discuss an agreement that reflects specific neighborhood concerns.
- Commissioner Soderman noted that there was more of a buffer between Kitsuen and residences—more than establishments further west on H Street. He also stated that he was encouraged by their efforts regarding noise mitigation.
- Mr. Caruth noted that there were other establishments nearby with outdoor spaces, and he was encouraged that they were addressing mitigation right off the bat. He said he felt that noise likely wouldn't be a problem here.
- Mr. Rzepka asked how late Kitsuen would serve food. Mr. Johnson stated they would serve food until 11:00 pm but may do until midnight on weekends. He stated that they were trying to keep a certain vibe with craft cocktails and mixologists, and that there would not be a bar outside.
- Mr. Williams asked when they intended to open. The plan is for Kitsuen to open in two months and two weeks.

Mr. Williams moved/seconded by Commissioner Soderman, to recommend that the ANC protest the request for a new CT license by Kitsuen, LLC t/a Kitsuen at 1362 H Street NE (License No. ABRA-110893) unless a signed settlement agreement is submitted before the protest petition date. The motion passed 5-0 (with Commissioner Soderman voting).

C. Discussion of license transfer from Liberty Tree to Duffy's Irish Pub at 1016 H Street NE.

- Mr. Callister introduced himself as the owner of Duffy's.
- Duffy's has been a part of the U Street NW area for twelve years. The building they are in is being redeveloped, so they negotiated an early termination of their

lease and took the opportunity to move to the H Street area. Mr. Callister hopes to return to U Street in the future but keep the H Street location as well.

- Duffy's intends to operate similar to how Liberty Tree did previously, serving wings, pizza, and similar foods. Mr. Callister intends to initially adhere to the existing settlement agreement but was hoping to update the agreement to bring it more in line with recent agreements.
- Mr. Caruth asked if the dumpster there was located in the outdoor seating area. Mr. Callister stated that there is a space between the sidewalk and the patio, and he is working to redo the fence to make collection seamless. The trash bins will not be visible. Trash collection will be daily. He also plans to add street access to the patio so that dogs can be allowed on it.
- The patio is all seated patrons and is limited by its occupancy level. Food and drinks will be served. Mr. Callister would like to be able to occasionally wheel out televisions for football games and other sporting events; while possible to do without sound, he is hoping for an allowance in the agreement to allow for sound at certain times.
- Commissioner Soderman noted that this location is closer to residences than Kitsuen. Mr. Callister responded that there is already a solid buffer/enclosure that was built as part of the existing settlement agreement.
- Mr. Caruth stated that he believed the summer garden was structurally unique and did contain a significant noise buffer. He stated that he did have some concerns about how close to residences it is, but that there does seem to be sufficient noise mitigation.
- Mr. Williams asked about Mr. Callister's request for an 11:30 pm (weeknight) and 12:30a m (weekend) closing time for the summer garden. Mr. Callister stated he wanted to ensure there was sufficient time to clear the patio starting at the top of the hour. Mr. Callister also noted that the current patio at the U Street area has residences on both sides, so he has experience in mitigating noise.

Mr. Williams moved/seconded by Commissioner Soderman, to recommend that the ANC accept a new Settlement Agreement for Duffy's Irish Pub and agree to a stipulated endorsement allowing Duffy's to operate under its new agreed-upon hours during the placard period. The motion passed 5-0 (with Commissioner Soderman voting).

V. Adjourn

The Committee adjourned at 7:55 pm.