

Minutes
Alcoholic Beverage Licensing (ABL) Committee
Advisory Neighborhood Commission (ANC) 6A
October 16, 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 October 16, 2018 at Sherwood Recreation Center, 640 Tenth (10th) Street NE, Washington, DC 20002.

Committee Members Present: Jay Williams (Co-Chair), Christopher Seagle (Co-Chair), and Mark Samburg.

Committee Members Absent: Roger Caruth, Michael Herman, Justin Rzepka.

Commissioners Present: Mike Soderman.

Community Members Present: Sandra Basanti (Dangerously Delicious Pies), Matt Minora (O2), Steve Hessler (O2), and Ramsey Taylor.

I. Call to Order

Mr. Williams called the meeting to order at 7:05 pm. The meeting proceeded with a quorum present. Mr. Samburg moved, seconded by Commissioner Soderman, that the Committee sing “Happy Birthday” to Mr. Seagle. The motion passed 3-1, with Mr. Seagle in opposition. “Happy Birthday” was sung.

II. Community Comment

None.

III. Old Business

None.

IV. New Business

A. Discussion of request by Dangerously Delicious Pies at 1339 H Street, NE (ABRA # 087422) for an extension of its second (2) floor summer garden hours.

- Ms. Sandra Basanti presented on behalf of Dangerously Delicious.
- Mr. Williams started the discussion by noting that this was the result of an agreement between the ANC and Dangerously Delicious that there be a “trial period” of its new outdoor space to ensure that there were no major noise concerns.
- Ms. Basanti stated that the current hours have the outdoor space closing at 11:00 pm on weeknights, and 12:00 am on weekends. The establishment is now requesting a closure time of 12:00 am on weekdays and 2:00 am on weekends, including the nights before federal holidays.
- Commissioner Soderman asked if there had been any complaints regarding the outdoor space. Mr. Williams stated that he understood Mr. Taylor, who was present at the meeting, had some concerns about noise from inside the establishment being heard in his home due to the doors being open to the summer garden.
- Mr. Taylor said that, in one instance, the establishment had music, and noise was reaching his home because the outside doors were open; after that incident management has been responsive. Mr. Taylor noted that he has had no objections to normal “speaking” noise on the deck, because it tends to drown out worse noise that makes its way to his block.

- Ms. Basanti stated that when they have musical acts they work with sound engineers and have constant communication with the bands to ensure noise is mitigated. They also have a curfew of 12:00 am for all musical acts performing inside.
- Mr. Williams stated that he appreciated how Dangerously Delicious has approached this, and how they appear to be taking steps to minimize the risk of noise reaching neighbors. He suggested that management be particularly mindful of customers opening the doors to the outdoor space while bands are performing.

Mr. Williams moved/seconded by Mr. Samburg, to recommend that the ANC amend its Settlement Agreement with Dangerously Delicious Pies (1339 H St NE) to allow the summer garden to close at 12:00 am on Sunday through Thursday nights, and 2:00 am on Friday and Saturday nights and the nights before federal holidays. The motion passed 4-0 (with Commissioner Soderman voting).

B. Discussion of new license application of O2, LLC t/a O2 at 1350-1352 H Street, NE (ABRA # 111354) (CT License).

- Mr. Matt Minora and Mr. Steve Hessler presented on behalf of O2.
- Mr. Minora stated that the establishment is the space next to Gallery O on H. They will have a total occupancy load of 399, with a fifty (50) seat summer garden on top of the garage space. The request includes closing time for the summer garden at 2:00 am.
- Mr. Minora stressed that this application is for an event space, not a daily bar or restaurant, and the owners are willing to negotiate with the neighborhood on areas of concern.
- Mr. Hessler stated that part of the vision of O2 is preserving the building as it was and provide an artistic/cultural space. They applied for a CT license due to license requirements that would have required them to tear down parts of the building for minimum parking.
- Mr. Hessler stated that they plan to host events such as wedding receptions, bar mitzvahs and the like. They will never have ticketed events and will never allow promoters to run events. He also stated that they will never have live music performed on the summer garden.
- Mr. Hessler noted that Gallery O has shown a history of noise mitigation. He said that he is constantly using decibel monitors, has included plants and other elements for natural mitigation, and for O2 he plans to place sound-absorbing material on the wall they share with RedRocks.
- Mr. Seagle asked who would be in charge of monitoring noise when Mr. Hessler is not present. Mr. Hessler said it would be the day-to-day manager plus whoever the “sound person” is who is assigned to the event. There will be three (3) people monitoring sound for every event: Mr. Hessler himself, Kyle Russel (the manager who will be present for every event), and the person directly in charge of the event or the event sponsor.
- Mr. Williams stated that he believed Gallery O had a good track record, and that he had not heard any noise concerns. He noted that he had some concerns about the difference between “live music” at the summer garden and O2’s plans to pipe live music from indoors into the outdoor space via speakers.
- Mr. Seagle asked how far the closest residences are from the establishment. Mr. Hessler said that there is an alley, a parking lot, and other structures, and there is likely approximately 100 feet to the nearest home from the courtyard space.

- Commissioner Soderman asked if it was worth considering a trial period for the outdoor space. Mr. Williams responded that he felt trial periods were more important for establishments that had no track record of outdoor space, and that here Gallery O had a long track record of using its outdoor space responsibly. Mr. Williams also noted that the distance from the courtyard to the nearest home helped ensure that noise was minimized.

Mr. Williams moved/seconded by Commissioner Soderman, to recommend that the ANC protest the CT license application for O2 (1350-1352 H St NE) unless a signed Settlement Agreement is submitted prior to the protest petition date, and that if a signed Settlement Agreement is submitted, the ANC support a stipulated license. The motion passed 4-0 (with Commissioner Soderman voting).

V. Adjourn

The Committee adjourned at 7:30 pm.