

**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

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In the Matter of:	)	
	)	
MAHK Meetings, LLC	)	Case No.: 20-PRO-00038
t/a TBD	)	License No.: ABRA-116881
	)	Order No.: 2021-317
Application to Transfer to a New Location a	)	
Retailer's Class CT License	)	
	)	
at premises	)	
1806 Vernon St., N.W.	)	
Washington, D.C. 20001	)	

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**BEFORE:** Donovan Anderson, Chairperson  
James Short, Member  
Bobby Cato, Member  
Rafi Aliya Crockett, Member  
Jeni Hanson, Member  
Edward S. Grandis, Member

**ALSO PRESENT:** MAHK Meetings, LLC, t/a TBD, Applicant

Andrew Kline and Sidon Yohannes, Counsels, on behalf of the Applicant

Suzanne Farmer, Abutting Property Owner, Protestant

Piper Hendricks, Abutting Property Owner, Protestant

Denis James, President, Kalorama Citizens Association, Protestant

Amir Irani, Chairperson, Advisory Neighborhood Commission (ANC 1C),  
Protestant

Alan J. Roth, on behalf of a Group of Five or More Residents or Property  
Owners, Protestant

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND ORDER**

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**INTRODUCTION**

The Alcoholic Beverage Control Board (Board) approves the Application to Transfer to a New Location a Retailer's Class CT License filed by MAHK Meetings, LLC, t/a TBD (hereinafter "Applicant" or "MAHK") with conditions so that MAHK can operate a small barbershop and lounge at 1806 Vernon St., N.W. Based on the presentation, despite being located in close proximity to residents, the Board is persuaded that MAHK will not have a negative impact on the neighborhood so long as, among other conditions, the Applicant (1) limits its summer garden hours to no later than 11:00 p.m. on Friday and Saturday, and 10:00 p.m. on all other days; (2) when available, apply for and request that all ridesharing companies set MAHK's pickup and drop off location for Florida Avenue, N.W.; (3) ensure that the establishment's trash containers remain closed except when in use to deposit or remove trash; and (4) not permit any amplified music or other amplified sounds to be heard in a residence with its windows and doors closed. The Board's reasoning and order are described in detail below.

***Procedural Background***

The Notice of Public Hearing advertising TBD's Application was posted on June 26, 2020, and informed the public that objections to the Application could be filed on or before August 31, 2020. *ABRA Protest File No. 20-PRO-00038*, Notice of Public Hearing [*Notice of Public Hearing*]. The records of the Alcoholic Beverage Regulation Administration (ABRA) indicate that Abutting Property Owners Suzanne Farmer and Piper Hendricks, the Kalorama Citizens Association, Advisory Neighborhood Commission (ANC) 1C, and a Group of Five or More Residents or Property Owners (collectively, the "Protestants") have filed protests against the Application. *ABRA Protest File No. 20-PRO-00038*, Roll Call Hearing Results.

The parties came before the Board's Agent for a Roll Call Hearing on September 28, 2020, where all of the above-mentioned objectors were granted standing to protest the Application. On December 10, 2020, the parties came before the Board for a Protest Status Hearing. Finally, the Protest Hearing in this matter occurred on April 1, 2021.

The Board recognizes that an ANC's properly adopted written recommendations are entitled to great weight from the Board. D.C. Code §§ 1-309.10(d), 25-609; *Foggy Bottom Ass'n v. District of Columbia Alcoholic Beverage Control Bd.*, 445 A.2d 643, 646 (D.C. 1982). Accordingly, the Board "must elaborate, with precision, its response to the ANC[s] issues and concerns." *Foggy Bottom Ass'n*, 445 A.2d at 646. The Board notes that it received a properly adopted written recommendation from ANC 1C, which indicated that its protest is based on concerns regarding MAHK's impact on peace, order, and quiet; residential parking and vehicular and pedestrian safety; real property values; overconcentration; and impact on neighboring residential zones. The ANC's issues and concerns shall be addressed by the Board in its Conclusions of Law below.

Based on the issues raised by the Protestants, the Board may only grant the Application if the request will not have an adverse impact on the peace, order, and quiet; residential parking and vehicular and pedestrian safety; and real property values of the area located within 1,200 feet of the establishment. D.C. Code § 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2021). Furthermore, based on ANC 1C's protest, the Board will also consider whether approval of the Application will lead to overconcentration or have a negative impact on residential areas. D.C. Code § 25-314(a)(4), (c). Finally, the parties filed Proposed Findings of Fact and Conclusions of Law after the hearing, which have been considered by the Board.

## FINDINGS OF FACT

The Board, having considered the evidence, the testimony of the witnesses, the arguments of the parties, and all documents comprising the Board's official file, makes the following findings:

### I. Background

1. MAHK has submitted an Application to Transfer to a New Location a Retailer's Class CT License to 1806 Vernon St., N.W., Washington, D.C. *Notice of Public Hearing*.
2. ABRA Investigator Kevin Puentes investigated the Application and prepared the Protest Report submitted to the Board. *ABRA Protest File No. 20-PRO-00038, Protest Report* (Mar. 2021) [*Protest Report*].
3. The proposed establishment will have a MU-4 zoning designation, but the rear faces a portion of Vernon Street, N.W., which is zoned RA-4. *Protest Report*, at 6, Exhibit No. 6. Thirty-one licensed establishments are located within 1,200 feet of the proposed location. *Id.* at 7. There are no schools, recreation centers, public libraries, or day care centers located within 400 feet of the establishment. *Id.* at 8.
4. The establishment's proposed hours of operation are from 8:00 a.m. to 2:00 a.m., Sunday through Thursday, and 8:00 a.m. to 3:00 a.m. on Friday and Saturday. *Id.* at 9. The establishment has proposed the same hours for its hours of alcohol sale, service, and consumption, and entertainment hours. *Id.* The establishment has also requested outdoor seating. *Id.* at 10. The proposed hours for the establishment's summer garden are from 8:00 a.m. to 1:00 a.m., Sunday through Friday, and 8:00 a.m. to 2:00 a.m. on Saturday. *Id.*
5. The report discusses the availability of public transportation and parking near the proposed location. *Id.* at 11. The establishment is located near a bus stop, which is served by the 90 and 96 bus routes. *Id.* There is some street parking located nearby. *Id.* at 12. There is also a public parking garage at 1825 Connecticut Avenue, N.W. *Id.* The Protest Report indicates that during multiple visits to the neighborhood that investigators observed "Not much parking [was] available." *Id.*, at 10-11. The report also noted that parking meters and residential permit parking were available in the neighborhood. *Id.* at 12.

6. The Application shows that MAHK has applied to have an occupancy load of 50 persons for the interior with 30 seats. *Id.* at 1. Furthermore, the establishment has asked for a summer garden with 30 seats. *Id.*

7. ABRA investigators visited the proposed location on ten separate occasions between February 2021 and March 2021. *Id.* at 10-11. Investigator Puente observed that Vernon Street, N.W., “is a tricky intersection” that turns onto 18th Street, N.W. *Transcript (Tr.)*, Apr. 1, 2021 at 45. He has observed that “many cars . . . stop in that intersection and block the traffic from Vernon Street.” *Id.*

8. Investigator Puente also conducted a walkthrough of the proposed establishment with the ownership. *Id.* Inside, he observed that the first two floors will be licensed, while the third and fourth floor will be used as an office space and a residence. *Id.* at 45, 75. The first floor will operate as a coffee shop, small retail area, bar, and barbershop. *Id.* at 45. The second floor will operate as a “speakeasy.” *Id.* at 46. The ownership indicated that patrons will be seated on the second floor. *Id.* The ownership further indicated that a summer garden will operate on the Florida Avenue, N.W., side of the property. *Id.* at 45. The Protest Report indicates that the portion of Florida Avenue, N.W., relevant to this case is zoned for commercial activity. *Protest Report*, 6, Exhibit No. 6. The investigator also observed the installation of “double drywall” inside the premises for the purposes of noise mitigation. *Tr.*, 4/1/21 at 46.

9. The ownership indicated to Investigator Puente that patrons will enter the establishment through the entrance on Florida Avenue, N.W. *Id.* Patrons will then exit onto Vernon Street, N.W., due to the “narrow stairwell” at the entrance. *Id.*; *see also id.* at 122.

10. The closest establishment located near the proposed location is Lucky Buns, which operates as a restaurant with a summer garden. *Id.* at 52. Investigator Puente estimated that Lucky Buns was located approximately 30 feet from MAHK’s proposed location. *Id.* The Imperial is located across the street and operates as a tavern with rooftop seating. *Id.* at 52-53. The next nearest establishments are the Duplex Diner, The Blaguard, and Jack Rose. *Id.* at 53.

11. Investigator Puente described the nature of the regular activity occurring in the neighborhood before the issuance of public health emergency orders related to curbing the spread of coronavirus 2019 (COVID-19) disease. *Id.* at 54. He noted that in his experience, the portion of 18th Street, N.W., that runs through Adams Morgan has many bars and taverns and a high level of traffic. *Id.*

12. Investigator Puente further noted that the establishment is adjacent to a residential zone. *Id.* at 80. Specifically, the proposed location is near the Carswell Condominium building and that Vernon Street, N.W., is highly residential. *Id.* at 80.

## **II. K.J. Hughes**

13. K.J. Hughes is the owner of MAHK. *Id.* at 93. He currently operates a business management company that handles “logistics and management for athletes and entertainers.” *Id.*

He also serves as an adjunct professor at the University of Maryland Business School. *Id.* He further noted that one of the partners in the business is a master barber. *Id.* at 186-87.

14. His goal with MAHK is to “reinvent the barbershop” as a “third space.” *Id.* at 95-96. MAHK intends to use the first and second floor to serve customers. *Id.* at 97. The first floor will operate as a barbershop. *Id.* at 98, 117. The barbershop will have four seats, six retail bays, and coffee bar with four to six seats. *Id.* at 98, 116. The second floor will operate as a speakeasy. *Id.* at 99. MAHK has plans to host disc jockeys on the second floor with two speakers but will not have a “dance floor.” *Id.* at 121. Mr. Hughes estimated that the second floor is approximately 750 square feet. *Id.* at 122. He also intends to offer booths and tables for seating on the second floor. *Id.* The third floor will operate as an internal office, storage, and breakroom. *Id.* at 98. The fourth floor will have a two-bedroom apartment. *Id.* Finally, during the hearing, MAHK waived its request for a sidewalk café. *Id.* at 118.

15. Mr. Hughes discussed security at the establishment. *Id.* at 123. MAHK intends to install security cameras both inside and outside the establishment and cameras may be monitored by staff. *Id.* at 118, 120, 123. The security cameras will cover both the entrance and exit. *Id.* at 123. Staff will also be present to manage the exit from the establishment. *Id.* at 124.

16. MAHK’s trash area will be located on Vernon Street, N.W. *Id.* at 118. Mr. Hughes indicated that the trash area will feature landscaping to obscure views into the trash area. *Id.* at 119.

17. Mr. Hughes discussed the availability of ridesharing and deliveries. *Id.* at 124. He indicated that when available, he would direct rideshare companies to drop off people on the Florida Avenue, N.W., side of the business. *Id.* at 125. He expected that deliveries would be made on Vernon Street, N.W. *Id.* at 178.

18. Mr. Hughes also described the establishment’s noise mitigation efforts. *Id.* at 127. He noted that a common stairwell separates the neighboring condominium building from the second floor of the establishment, in addition to the dividing wall. *Id.* MAHK also hired a sound consultant. *Id.* at 127, 137-38.

### **III. Geoffrey Sparks**

19. Geoffrey Sparks works as an acoustic consultant with Snarkitecture, which advised MAHK on noise mitigation. *Id.* at 212, 215, 218. As part of the consultation, his firm advised to “upgrade the . . . interior partitions to improve acoustic isolation on both . . . the first and second levels.” *Id.* at 215. The firm further recommended that certain interior partitions be “pulled out and separated from the existing brick”; “using additional layers of drywall”; and using “mineral batt insulation.” *Id.* at 215-16. The recommendations also improved noise mitigation by moving studs off the brick, securing “electrical black boxes” and similar “penetrations,” and creating a “slight air space.” *Id.* at 216-17. Finally, while the property was under construction, the firm examined the existing brick and filled in gaps that may have occurred due to the age of the building. *Id.* Mr. Sparks noted that the recommended work was performed on July 9, 2020. *Id.* at 217-18.

20. After the work was completed, the results of the project were tested to determine the impact on neighboring properties. *Id.* at 219. The test determined that it would be unlikely that any sounds would be audible in the neighboring properties even if there is a high level of noise inside MAHK. *Id.* at 220. After the test, the firm provided additional recommendations to MAHK to avoid noise issues. *Id.* For example, the firm recommended mounting speakers to the ceiling, not the side walls. *Id.* Furthermore, to avoid the transmission of “low-frequency noise,” such as “music,” the firm recommended mounting the speakers on the ceiling with spring hangers and using electronic limiters on the establishment’s sound system. *Id.* at 222. Based on his observations of the work performed and his recommendations, Mr. Sparks does not believe MAHK will cause any noise issues. *Id.* at 223.

#### **IV. Dr. Tamara Lowe**

21. Dr. Tamara Lowe lives across the street from the proposed location. *Id.* at 233. She has no concerns regarding the appropriateness of the proposed business. *Id.*

#### **V. ANC Commissioner Japer Bowles**

22. ANC Commissioner Japer Bowles represents ANC 1C07. *Id.* at 241. Commissioner Bowles supports the Application because it would bring a new business and investment into Adams Morgan. *Id.* at 241-42, 245.

#### **VI. ANC Commissioner Peter Wood**

23. ANC Commissioner Peter Wood represents ANC 1C03. *Id.* at 263. Commissioner Wood supports the Application because it will reduce vacant properties in the area. *Id.* at 264-65.

#### **VII. ANC Chair Amir Irani**

24. ANC Commissioner Amir Irani serves as the Chair of ANC 1C. *Id.* at 288. He also represents ANC 1C01 where the proposed establishment will be located. *Id.* ANC Chair Irani is concerned that the first floor will also serve as a bar and admit patrons from both Florida Avenue, N.W., and Vernon Street, N.W., which will encourage patrons to loiter on the highly residential Vernon Street, N.W., during the early morning. *Id.* at 293. He is further concerned that patrons exiting the establishment onto Vernon Street, N.W., will disturb residents when they attempt to hail taxis and rideshare vehicles. *Id.* at 298. He is also concerned that the summer garden on Florida Avenue, N.W., will have patrons create noise near residential windows. *Id.* at 297.

25. ANC Chair Irani also discussed traffic and parking in the neighborhood. *Id.* at 309. He has observed that parking on “weekend nights . . . is almost impossible.” *Id.* He further noted that the ANC has requested that the District of Columbia Department of Transportation (DDOT) take action to remedy the traffic situation near the proposed location. *Id.* at 311. Data provided

by DDOT shows that near the proposed location there have been three injuries to pedestrians, four injuries to cyclists, and fourteen injuries to people in vehicles. *Id.* at 314.

### **VIII. Cassandra Jones**

26. Cassandra Jones owns a condominium in the Carswell Condominium building on Vernon Street, N.W. *Id.* at 356. She has lived in the neighborhood for over thirty years. *Id.* at 357. She has windows in her unit that faces Florida Avenue, N.W., like other units in the building. *Id.* at 358, 361. She is concerned that patrons sitting in the summer garden will generate noise and smoke that will disturb her in her home, and that patrons will loiter in the area after the establishment closes. *Id.* at 359-60. She further indicated that she has difficulty finding parking on Vernon Street, N.W. *Id.* at 361-62.

### **IX. Kaitlyn Kerr**

27. Kaitlyn Kerr has lived at the Carswell Condominium since 2019. *Id.* at 369. She is concerned about noise from people exiting the establishment onto Vernon Street, N.W. *Id.* at 371. She is also concerned that patrons will generate noise as they wait for rideshares or congregate in the vicinity. *Id.* at 371-72. She is especially concerned because her bedroom window faces Vernon Street, N.W. *Id.* at 372. She is further concerned about noise because she hears noise in the streets and can hear construction workers working in MAHK's premises while in her home. *Id.* at 373.

### **X. Alex Pochowski**

28. Alex Pochowski is a transportation engineer employed by Kittelson & Associates. *Id.* at 378-79. Based on his review of the area, Vernon Street, N.W. is a "local street" intended for short trips, infrequent truck trips, slow speeds, bicyclists and pedestrians, and access for residential users. *Id.* at 382. In contrast, Florida Avenue, N.W., serves a "minor arterial" function that allows for long trips, high speed, and commercial activity. *Id.* at 382-83. Due to the nature of the streets, he would expect heavy rideshare activity on Florida Avenue, N.W., and less pickups and drop offs by rideshare services on Vernon Street, N.W., due to its residential nature. *Id.* at 384. Currently, the location near MAHK's proposed location, where Florida Avenue, N.W., Vernon Street, N.W., U Street, N.W., and 18th Street, N.W., meet is "heavily congested"; has "skewed angles"; and turn restrictions. *Id.* at 383. Overall, he described that specific location as a "complex intersection with many multimodal conflicts" that lead to safety concerns. *Id.*

### **XI. Suzanne Farmer**

29. Suzanne Farmer's home abuts MAHK's proposed location. *Id.* at 390. She is concerned about noise because her window faces Vernon Street, N.W., and is one floor above MAHK's exit door. *Id.* at 393. She further noted that she sees frequent traffic jams in the nearby intersection where Florida Avenue, N.W., meets Vernon Street, N.W. *Id.* at 402. She has also seen vehicles almost hit pedestrians in the area. *Id.* at 403.

## **XII. Laurie Clark**

30. Laurie Clark lives directly across the street from MAHK's proposed location, on Vernon Street, N.W. *Id.* at 418, 422. She has lived in her current home for over twenty years. *Id.* She is concerned that patrons exiting MAHK's establishment will loiter in front of her window. *Id.* at 421. She is also concerned about the noise from vehicle horns and the establishment emptying trash late at night. *Id.*

31. Ms. Clark indicated that her home is separated from Lucky Buns by a condominium building. *Id.* at 422. She further noted that noise from Lucky Buns does not disturb her in her home. *Id.* She further indicated that she occasionally hears noise from Jack Rose's roof deck, but it is not disturbing because the roof deck closes at 11:00 p.m. or midnight depending on the day. *Id.*

32. Ms. Clark also had additional concerns about trash because the neighborhood currently has a rat problem. *Id.* She indicated that Lucky Buns previously failed to manage its trash area in a manner that encouraged vermin. *Id.* at 424. Nevertheless, after the Board imposed restrictions on Lucky Buns, including moving trash, having regular trash pickup, and eliminating items that attracted vermin, the situation improved significantly. *Id.* at 425.

## **XIII. Gustavo Silva-Chavez**

33. Gustavo Silva-Chavez lives in the Carswell Condominium. *Id.* at 433. He works from home and keeps irregular hours because he works with people overseas. *Id.* at 434. He has similar issues related to noise expressed by the other witnesses. *Id.* at 435-36. He noted that tenants at 1804 Vernon Street, N.W., have been socializing outside, smoking, and playing music until 10:00 p.m. regularly, which has disturbed Mr. Silva-Chavez in his home. *Id.* at 438-39.

## **XIV. Piper Hendricks**

34. Piper Hendricks lives in the Carswell Condominium, and her unit abuts MAHK's proposed location and shares a wall with MAHK. *Id.* at 444, 448. She shares similar issues related to noise expressed by other witnesses. *Id.* at 447. She is also concerned about smoke from people smoking near the establishment reaching her unit. *Id.* at 448-49.

## **XV. Denis James**

35. Denis James is a member of the Kalorama Citizens Association (KCA). *Id.* at 456. He is concerned about the late hours, patrons located on Florida Avenue, N.W., and that noise from entertainment will cause disturbances. *Id.* at 463-64.

## **CONCLUSIONS OF LAW**

36. The Board may approve an Application to Transfer to a New Location a Retailer's Class CT License when the proposed establishment will not have an adverse impact on the neighborhood. D.C. Code §§ 25-104, 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp.



2021). Specifically, the question in this matter is whether the Application will have a negative impact on the peace, order, and quiet; residential parking and vehicular and pedestrian safety; real property values; and overconcentration in the area located within 1,200 feet of the establishment. D.C. Code § 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2021).

37. Furthermore, in the case of a new application for licensure or transfer to a new location, “the Board shall consider whether the proximity of [a tavern or nightclub] establishment to a residence district, as identified in the zoning regulations of the District and shown in the official atlases of the Zoning Commission for the District, would generate a substantial adverse impact on the residents of the District.” D.C. Code § 25-314(c).

### **I. MAHK is Appropriate for the Neighborhood with Conditions to Mitigate Potential Negative Impacts.**

38. The Board finds the Application appropriate subject to conditions. Under the appropriateness test, “the applicant shall bear the burden of proving to the satisfaction of the Board that the establishment for which the license is sought is appropriate for the locality, section, or portion of the District where it is to be located . . . .” D.C. Code § 25-311(a). The Board shall only rely on “reliable” and “probative evidence” and base its decision on the “substantial evidence” contained in the record. 23 DCMR § 1718.3 (West Supp. 2021). The substantial evidence standard requires the Board to rely on “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Clark v. D.C. Dep't of Employment Servs.*, 772 A.2d 198, 201 (D.C. 2001) citing *Children's Defense Fund v. District of Columbia Dep't of Employment Servs.*, 726 A.2d 1242, 1247 (D.C.1999).

39. In determining appropriateness, the Board must consider whether the applicant’s future operations will satisfy the reasonable expectations of residents to be free from disturbances and other nuisances—not just whether the Application complies with the minimum requirements of the law. D.C. Council, Bill 6-504, the “District of Columbia Alcoholic Beverage Control Act Reform Amendment Act of 1986,” Committee on Consumer and Regulatory Affairs, 38 (Nov. 12, 1986); see *Panutat, LLC v. D.C. Alcoholic Beverage Control Bd.*, 75 A.3d 269, 277 n. 12 (D.C. 2013) (“However, in mandating consideration of the effect on peace, order, and quiet, § 25-313(b)(2) does not limit the Board's consideration to the types of noises described in § 25-725.”). As part of its analysis, the Board should evaluate each “unique” location “according to the particular circumstances involved” and attempt to determine the “prospective” effect of the establishment on the neighborhood. *Le Jimmy, Inc. v. D.C. Alcoholic Beverage Control Bd.*, 433 A.2d 1090, 1093 (D.C. 1981). Furthermore, the analysis may also include the Applicant’s efforts to mitigate or alleviate operational concerns, the “character of the neighborhood,” the character of the establishment, and the license holder’s future plans. *Donnelly v. District of Columbia Alcoholic Beverage Control Board*, 452 A.2d 364, 369 (D.C. 1982) (saying that the Board could rely on testimony related to the licensee’s “past and future efforts” to control negative impacts of the operation); *Upper Georgia Ave. Planning Comm. v. Alcoholic Beverage Control Bd.*, 500 A.2d 987, 992 (D.C. 1985) (saying the Board may consider an applicant’s efforts to “alleviate” operational concerns); *Citizens Ass'n of Georgetown, Inc. v. D.C. Alcoholic Beverage Control Bd.*, 410 A.2d 197, 200 (D.C. 1979); *Gerber v. D.C. Alcoholic Beverage Control Bd.*, 499 A.2d

1193, 1196 (D.C. 1985); *Sophia's Inc. v. Alcoholic Beverage Control Bd.*, 268 A.2d 799, 800-801 (D.C. 1970).

**A. Approving the Application is not unusual or unprecedented.**

40. First and foremost, it was said during the hearing that “Allowing . . . a license to be placed four houses deep into a side street would be unprecedented.” *Tr.*, 4/1/21/21 at 495. The Board disagrees, as such an action is not substantially different from approving or renewing a tavern or similar license that abuts or is located extremely close to residents or shares an alley with residential properties. *See e.g.*, *Town 2.0 t/a TBD*, Case No. 19-PRO-00101, Board Order No. 202-028, ¶ 35 (D.C.A.B.C.B. Oct. 29, 2020) (approving the application for a new nightclub license “located inches away from the Conway Residence . . .”); *In re ADBHS, LLC, t/a Electric Cool-Aid*, Case No. 19-PRO-00006, Board Order No. 2019-524, ¶¶ 10, 20, 33 (D.C.A.B.C.B. Jun. 26, 2019) (approving a new retailer’s class CT license for an outdoor venue in a MU-4 zone despite one witness living across the alley from the establishment and the establishment being located near two townhouses); *In re 301 Romeo, LLC t/a Romeo & Juliet*, Case No. 13-PRO099136, Board Order No. 2014-045, ¶¶ 20, 41 (approving license with outdoor seating located approximately 12 feet away from a residence); *In re Po Boy Jim 2, LLC, t/a Po Boy Jim 2*, Case No. 19-PRO-00064, Board Order No. 2019-869, 4, 8 (D.C.A.B.C.B. Nov. 20, 2019) (renewing license that abuts a condominium building).<sup>1</sup> Moreover, even if it is true that the scenario described by the Protestants does not exist in the Adams Morgan neighborhood, such facts do not bar MAHK from being the first. *Tr.*, 4/1/21 at 495. As result, approving MAHK’s Application is not unusual or contrary to precedent.

**B. MAHK will not have a negative impact on peace, order, and quiet so long as it complies with the conditions set by the Board.**

41. “In determining the appropriateness of an establishment, the Board shall consider . . . [t]he effect of the establishment on peace, order, and quiet, including the noise and litter provisions set forth in §§ 25-725 and 25-726.” D.C. Code § 25-313(b)(2); *see also* D.C. Code §§ 25-101(35A), 25-314(a)(4). Among other considerations, the Board is instructed to consider “noise, rowdiness, loitering, litter, and criminal activity.” 23 DCMR § 400.1(a) (West Supp. 2021).

**1. MAHK has the ability to operate without generating disturbing patron noise and loitering so long as it complies with the conditions set forth by the Board.**

42. One of the major objections raised by the Protestants is that MAHK will generate crowds that loiter and generate noise in the neighborhood. *Protestants’ Proposed Findings of Fact and Conclusions of Law*, at ¶ 103. Nevertheless, the Board is persuaded that with the imposition of minimal conditions, MAHK can operate without disturbing nearby residents during let out.

43. The present Application does not propose to introduce a giant nightclub into the neighborhood that dumps hundreds of potentially intoxicated people into the street when it

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<sup>1</sup> *See also Applicant’s Proposed Findings of Fact and Conclusions of Law*, at ¶ 83.

closes. Instead, with the waiver of the sidewalk café, MAHK has applied for a tavern license for a small barbershop and lounge with a proposed occupancy of 50 persons with 30 seats and a summer garden with 30 seats. *Supra*, at ¶¶ 6, 14. The maximum potential number of patrons is further reduced because MAHK intends to use the first floor to operate a barbershop, retail store, and coffeeshop. *Supra*, at ¶ 14. Thus, only the second floor will likely be used for traditional bar and nightclub activities such as seating areas for drinking and DJ entertainment. *Id.* Moreover, the Board finds this plan credible because a “master barber” is involved in the business. *Supra*, at ¶ 13. This makes it more likely than not that MAHK will never have a full capacity crowd at night or during the early morning, because the first floor, either in whole or in part, must be reserved for other activities. As a result, unlike large establishments, MAHK does not have the ability to generate large crowds or have a long lasting let out period, which makes the establishment a low risk of generating concentrated and consistent loitering during the early morning. Moreover, even if the exit faces a residential street, it is reasonable to expect people on the street at all hours when that street is connected to a major roadway such as Florida Avenue, N.W. Therefore, the Board is not persuaded that the comings and goings of patrons to the establishment will be of such intensity that it is reasonable to infer ongoing disturbances to residents or that the amount of people that may be attracted to Vernon Street, N.W., is unreasonable given the establishment’s small size and location.

44. The Board is further not convinced by the Protestants’ comparison of the present case to the Board’s decision in *Saloon 45*. *Protestants’ Proposed Findings of Fact and Conclusions of Law*, at ¶¶ 103, 107, 116. In *Saloon 45*, the Board denied on the grounds of peace, order, and quiet. *In re Stephens, David J.W., t/a Saloon 45*, Case No. 14-PRO-00040, Board Order No. 2014-334, 10-12 (D.C.A.B.C.B. Sept. 23, 2014). Specifically, the tavern applicant in *Saloon 45* “[intended to have] its main entrance face [a highly residential street], rather than the commercial corridor of 18th Street, N.W.” *Id.* at ¶ 48. The tavern applicant also proposed having a “a large outdoor seating area [directly on the highly residential street]. *Id.* at ¶ 49.

45. Nevertheless, unlike *Saloon 45*, MAHK intends to split its entrance and exit. *Supra*, at ¶ 9. Specifically, its main entrance will face the commercially zoned Florida Avenue, N.W., and the exit will face Vernon Street, N.W., which reduces the opportunity of patrons seeking admission to cause disturbances on Vernon Street, N.W. *Supra*, at ¶ 9. This will further avoid encouraging crowds around the establishment because the establishment’s admission and exit lines will not mix and result in people lingering outside as they try to navigate a crowd. *Supra*, at ¶ 9. Furthermore, unlike *Saloon 45*, MAHK intends to have its summer garden located on a portion of Florida Avenue, N.W., that is commercially zoned and serves as a major road; as a result, MAHK will put less stress on a residential neighborhood than the proposed establishment in *Saloon 45*. *Supra*, at ¶¶ 8, 28. Finally, even if MAHK’s initial admission and exit plan is not successful in reducing late night disturbances, the establishment retains the ability to alter its plans so that more people are directed to the commercially zoned Florida Avenue, N.W. For example, MAHK could switch its entrance to Vernon Street, N.W., and switch its exit to Florida Avenue, N.W., to change when crowds appear on both streets; use both Vernon Street, N.W., and Florida Avenue, N.W. as exits at a certain point in the evening; or only use Florida Avenue, N.W., as an exit once no more admissions are required. As a result, MAHK’s potential for disturbances and noise is substantially less than the potential of the tavern applicant in *Saloon 45*.

**2. MAHK has the ability to prevent the creation of noise disturbances caused by playing amplified music.**

46. The Board has also been persuaded that MAHK can prevent amplified music from disturbing residents in their homes so long as MAHK follows the conditions imposed by the Board. In this case, MAHK has shown that it has taken commercially reasonable and extensive steps to mitigate noise by engaging in professional noise mitigation services and implementing those recommendations. *Supra*, at ¶ 19. For example, MAHK has created additional buffers of air, insulation, and drywall; restored deteriorating brick; and secured weak points such as studs and electrical boxes. *Id.* While Ms. Kerr testified that she has been able to hear construction worker conversations in her home, this is not sufficient to undermine MAHK's presentation because the premises, while under construction, are not sufficiently reflective of what the establishment may be like when complete for the Board to make a negative inference at this time. *Supra*, at ¶ 27.

47. The Board was further not persuaded that MAHK's noise expert or soundproofing measures were not credible or unreliable because the sound report indicated some low audible sounds could be transmitted or otherwise contained a line indicating that third parties should not rely on the report. *Tr.*, 4/1/21 at 225-26, 227, 495. In this matter, MAHK must show through "substantial evidence," that it will not generate disturbing noise, it does not have to satisfy an absolute certainty standard. 23 DCMR § 1711.5 (West Supp. 2021).<sup>2</sup> As a result, the mere fact that Mr. Sparks or his firm cannot make a 100 percent guarantee, has disclaimed liability, or taken other measures to protect their legal interests, does not detract from the Board's finding that MAHK has conducted a commercially reasonable noise analysis and taken extensive soundproofing measures to mitigate noise. *Supra*, at ¶¶ 19-20. Moreover, even if noise were to be audible, MAHK could take additional steps or alter its operations to reduce its noise impact further, such as installing a sound limiter, reducing the volume of its music, or not offering recorded music at all. *Supra*, at ¶ 20.

48. Therefore, the Board is persuaded that MAHK can operate and offer entertainment without disturbing its neighbors. Furthermore, as this assurance is a critical consideration in the Board's approval of the license, the Board will impose conditions ensuring that MAHK meets this standard.

**3. The Board is not persuaded that MAHK's presence will encourage more vehicle horn usage in the area.**

49. During the hearing, the Protestants were concerned that approval of the license would lead to the use of more vehicle horns. *Supra*, at ¶ 30; *Protestants' Proposed Findings of Fact and Conclusions of Law*, at ¶ 130. Nevertheless, this is pure unwarranted speculation as the establishment is too small to add a significant amount of traffic to the neighborhood. *Supra*, at ¶ 6. Furthermore, given the proximity of Vernon Street, N.W., to Florida Avenue, N.W.—a major roadway—it is reasonable for nearby residents to expect vehicle horns being blared on the

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<sup>2</sup> Of course, during renewal, if it is shown that MAHK's noise mitigation measures are not successful, it can be reasonably argued that real world experience negates any prior inferences or conclusions reached in prior proceedings.

streets. *Supra*, at ¶ 8. Finally, the Board has no reason to believe that anyone associated with MAHK will sit outside nearby residences and blast their vehicle horn. As a result, there are no reasonable grounds for speculating that the presence of MAHK will encourage an increase in vehicle horn usage.

**4. The Board is persuaded that the request for a summer garden is appropriate so long as the hours are limited.**

50. The impact of outdoor seating on peace, order, and quiet is frequently raised during protest proceedings. For example, in *Romeo & Juliet*, the Board placed hours restrictions on the licensee's outdoor seating based on the lack of soundproofing. *In re 301 Romeo, LLC*, Board Order No. 2014-045 at ¶¶ 45-46. Likewise, in *Sandbox*, the Board limited the outdoor seating hours to 10:00 p.m. and limited the capacity of the outdoor seating area to 120 persons based on evidence that the establishment had a large outdoor seating area, had no soundproofing, and was located in the middle of a courtyard surrounded by residents. *In re Wyoming Cube & Balle, LLC, t/a Sandbox Restaurant*, Case No. 18-PRO-00081, Board Order No. 2019-165, ¶¶ 25-26 (D.C.A.B.C.B. Apr. 3, 2019). The Board further noted that some activity was warranted because it did not interfere with "the ability of nearby residents to sleep late at night and does not breach any reasonable expectation on the part of neighbors." *Id.* at ¶ 25.

51. In this case, the facts are substantially like cases where the Board has limited outdoor seating hours. Specifically, as in *Romeo & Juliet* and *Sandbox*, the establishment is located close to residents and there is no evidence that the summer garden contains any significant soundproofing features. *Supra*, at ¶ 26. Nevertheless, some outdoor seating privileges are warranted where the establishment's outdoor seating area is located on commercially zoned space. *Supra*, at ¶ 8. Moreover, daytime and evening operating hours, as opposed to late night or early morning hours, will not interfere with the ability of most residents to sleep in their home.

52. Therefore, the Board finds it reasonable to grant the request for outdoor seating but restrict the establishment's outdoor seating hours to preserve the peace, order, and quiet of the neighborhood.

**5. MAHK's trash and litter plan are reasonable so long as it takes steps to discourage the presence of vermin.**

53. The Board is persuaded that the Applicant has a reasonable plan to deal with trash and litter. MAHK has proposed locating a trash area on the Vernon Street, N.W., side of the premises and building an enclosure to house its trash cans. *Supra*, at ¶ 16. The Board credits testimony that the neighborhood has had a rat and vermin problem in the past and that businesses need to take active steps to prevent the worsening or reemergence of the problem. *Supra*, at ¶ 32. Therefore, the Board will impose conditions necessary to discourage the presence of rats and vermin in the neighborhood.

54. The Board is not persuaded by the Protestants' argument that MAHK's trash plan is not "logical, viable, or legal." *Tr.*, 4/1/21 at 496. The Protestants further explain their position in their Proposed Findings of Fact and Conclusions of Law, by arguing that MAHK's proposal

violates 24 DCMR § 111.3, and that MAHK has no “backup plan for trash and recycling” *Protestants’ Proposed Findings of Fact and Conclusions of Law*, at ¶¶ 22, 118-123.

55. Nevertheless, the Board disagrees with the Protestants’ assessment that MAHK has no avenue for managing its trash. The Board notes that § 111.1 provides that

111.1 No person shall leave any goods, wares, or merchandise either in or upon any . . . sidewalk . . . or other public space . . . for a period longer than two . . . hours, *except as provided in this chapter or in chapter 2 [Rental of Public Space] of this title.*

24 DCMR §§ 111.1 (West Supp. 2021) (emphasis added). In light of § 111.1, MAHK’s proposed plan has not been shown to be impossible because MAHK may rent the required space if necessary.<sup>3</sup> Furthermore, even if the space were not available, at the very least, it is possible for MAHK to sacrifice all or part of its summer garden to accommodate its trash needs. For these reasons, the Board rejects the Protestants’ contention that MAHK’s trash plan is not feasible or that MAHK has no way to address trash management should its current plan be blocked.

**C. MAHK will not have a negative impact on residential parking needs and vehicular and pedestrian safety.**

56. The Board is persuaded that MAHK will not have a negative impact on residential parking needs and vehicular and pedestrian safety.

57. “In determining the appropriateness of an establishment, the Board shall consider . . . [t]he effect of the establishment upon residential parking needs and vehicular and pedestrian safety . . .” D.C. Code § 25-313(b)(3); *see also* D.C. Code §§ 25-101(35A), 25-314(a)(4). Among other considerations, the Board is instructed to consider the availability of both private and public parking, any parking arrangements made by the establishment, whether “[t]he flow of traffic . . . will be of such pattern and volume as to . . . increase the [reasonable] likelihood of vehicular [or pedestrian] accidents . . .” 23 DCMR § 400.1(b), (c) (West Supp. 2021).

58. In this case, MAHK’s overall occupancy is small, and the business will not likely be at full capacity based on the amount of space dedicated to the retail area and barbershop on the first floor. *Supra*, at ¶ 14. Moreover, MAHK’s immediate vicinity is served by multiple bus lines and there is a public parking garage in the area. *Supra*, at ¶ 5. Other than anecdotal statements regarding the ability to find parking, the Protestants presented no reputable sources showing that overall parking resources are overtaxed or that MAHK’s business model requires or encourages the use of parking. As a result, in light of the availability of public transportation, the presence of a nearby parking lot, and the small capacity of the premises, it is highly unlikely that MAHK’s patrons will require a significant portion of the neighborhood’s parking resources or otherwise have a negative impact on residential parking. *In re DGB2, LLC, t/a Dacha Beer Garden*, Case No. 17-PRO-00035, Board Order No. 2017-582, ¶ 54 (saying “availability of public transportation” permits a finding of “minimal impact” on “parking needs.”).

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<sup>3</sup> The bar on storing trash near a sidewalk café does not apply if no food service is provided within a sidewalk café. 24 DCMR §§ 314.1, 314.9 (West Supp. 2021).

59. The Board is also not convinced that MAHK will have a negative impact on vehicular and pedestrian safety. The Protestants have failed to explain how MAHK's operations "will in and of itself create [a] danger to pedestrians or vehicles" or exacerbate any existing safety concerns. *In re DGB2, LLC* at ¶ 55; *Supra*, at ¶ 28. The Protestants cited evidence of accidents; however, there is no indication whether the amount of incidents presented are low, average, or high relative the amount of usage or whether the circumstances of each accident were caused by road layout or other causes unrelated to the road system, such as texting while driving. *Supra*, at ¶ 25. Moreover, the mere fact that an area suffers from congestion or that an establishment will cause congestion through passenger pickups and drop offs or deliveries is not sufficient, on its own, to merit a negative finding. Indeed, § 400.1 does not list traffic congestion as a factor. For these reasons, the Board finds in favor of the Applicant on this ground.

#### **D. MAHK will not have a negative impact on real property values.**

60. In determining whether an establishment is appropriate, the Board must examine whether the establishment is having a negative effect on real property values. D.C. Code § 25-313(b)(1). The Board has noted in the past that the presence of blight may have a negative impact on property values. *In re Historic Restaurants, Inc., t/a Washington Firehouse Restaurant, Washington Smokehouse*, Case No. 13-PRO-0031, Board Order No. 2014-107, ¶ 48 (D.C.A.B.C.B. Apr. 2, 2014) citing *In re Rail Station Lounge, LLC, t/a Rail Station Lounge*, Case No. 10-PRO-00153, Board Order No. 2011-216, ¶ 62 (D.C.A.B.C.B. Jun. 15, 2011). In this case, the property will not be blighted once occupied by MAHK. Furthermore, the testimony and evidence provided by the Protestants on real property values was too speculative to merit consideration. Therefore, the Board finds in favor of MAHK on this issue.

#### **E. The Area Does Not Suffer from Overconcentration.**

61. The Board disagrees with ANC 1C that the area suffers from overconcentration. When issuing a new license the Board will consider "Whether issuance of the license would create or contribute to an overconcentration of licensed establishments which is likely to affect adversely the locality, section, or portion in which the establishment is located." D.C. Code § 25-314(a)(4). Nevertheless, in this specific case, the Board did not hear compelling evidence that an accumulation of licensees in the neighborhood are causing an adverse impact. Instead, witnesses indicated that Lucky Buns had addressed its trash issue and Jack Rose was not disturbing the surrounding community. *Supra*, at ¶¶ 31-32. As a result, the Board cannot conclude that the area suffers from overconcentration.

### **II. The Board Imposes Conditions on the License to Address Reasonable Concerns Regarding Appropriateness.**

62. In light of the Board's findings regarding appropriateness, the Board finds it necessary to impose conditions on the Applicant's license. See *In re Dos Ventures, LLC, t/a Riverfront at the Ball Park*, Case No. 092040, Board Order No. 2014-512. ¶ 49 (D.C.A.B.C.B. Nov. 13, 2013) (saying "[i]n practice, the Board has imposed conditions when it is shown that there are valid concerns regarding appropriateness that may be fixed through the imposition of specific

operational limits and requirements on the license”). Under § 25-104(e), the Board is granted the authority to impose conditions on a license when “. . . the inclusion of conditions will be in the best interest of the [neighborhood] . . . .” D.C. Code § 25-104(e).

63. As noted above, the Board finds it necessary to restrict the outdoor seating hours of the proposed establishment. MAHK has suggested that the outdoor seating hours be limited to 11:00 p.m. during the week and midnight during the weekend. *Tr.*, 4/1/21 at 489. Nevertheless, the Board finds that outdoor seating hours that end at 10:00 p.m. during the week and 11:00 p.m. during the weekend are more appropriate due to the proximity of residents and to discourage loitering during the early morning hours. The Board is persuaded that these conditions address the reasonable concerns of nearby residents because it will reduce the overall capacity of the premises late at night, encourage patrons to move inside earlier, and encourage patrons to leave the neighborhood earlier. *In re Town 2.0*, Board Order No. 2020-028 at ¶ 36 (saying conditions that close the outdoor seating area early would “encourage patrons to leave gradually”; move the establishment’s operations indoors; and reduce the occupancy of the premises).<sup>4</sup>

64. The Board further requires the Applicant to apply for rideshare pickup and drop off zones related to its establishment to be located on Florida Avenue, N.W., when various rideshare companies make such an option available. This requirement will help decrease loitering and usage of Vernon Street, N.W.

65. Finally, as noted above, the Board recognizes that the neighborhood may be attractive to rodents and vermin. Therefore, the Board will require MAHK to keep its trash containers closed at all times when not in use to avoid exacerbating any rodent and vermin issues in the neighborhood.

66. The Board further considered various conditions suggested by the Protestants. First, the Protestants requested that the establishment have its hours limited to midnight during the weekend and 11:00 p.m. during the week. *Tr.*, 4/1/21 at 497. The Board rejects this request because late night activity on a major commercial corridor is not unreasonable, even if residents live nearby. *Supra*, at ¶¶ 3, 8.

67. Second, the Protestants requested that the Board deny the request for a summer garden and entertainment endorsement. *Tr.*, 4/1/21 at 497. Nevertheless, some outdoor seating privileges are appropriate and reasonable for a major commercial corridor even if residents live nearby. *Supra*, at ¶¶ 3, 8. Furthermore, MAHK has taken sufficient steps to soundproof the establishment to merit the approval of its entertainment endorsement. *Supra*, at ¶¶ 19-20. As a result, the noise condition imposed by the Board will ensure that MAHK keeps and maintains the soundproofing installed at the establishment. Therefore, the Board rejects the request to deny the summer garden and entertainment endorsement.

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<sup>4</sup> The Board is aware that the nightclub in *Town 2.0* was granted much later outdoor seating hours; however, the establishment there was located in a Downtown zone and the outdoor seating was not located near residents, which is not the case here. *Town 2.0 t/a TBD*, Case No. 19-PRO-00101, Board Order No. 202-028, ¶ 35 (D.C.A.B.C.B. Oct. 29, 2020)



68. Third, the Protestants further requested that the Board limit the total occupancy to 50 persons and 30 seats. *Tr.*, 4/1/21 at 497. The Board will condition licensure on the interior capacity being limited to 50 persons and no more at this time, because the 50-occupancy number presented by MAHK is a critical factor in the Board's decision at this time. Nevertheless, the Board will not impose a condition on the number of seats because there has been no explanation as to how such a limit benefits the neighborhood and it does not appear necessary at this time.

69. Fourth, the Protestants requests that the Applicant be prohibited from installing or using audio or video equipment in its outdoor seating areas. *Tr.*, 4/1/21 at 498. The Board rejects this provision because the Board, instead, chooses to prohibit amplified music and other amplified sounds from being heard in any residence with its windows and doors closed, which will address the legitimate concerns of residents to peace and quiet in their homes. The Board further rejects the Protestants' condition because such activity may be appropriate for a commercial corridor such as Florida Avenue, N.W., if managed properly.

70. Fifth, the Protestants request that the Board clarify whether MAHK may use its third floor for the storage of alcohol, which the Board will do in its Order. *Tr.*, 4/1/21 at 498.

71. Finally, the Protestants request that the Board ban MAHK from participating in pub crawls and from using promoters. *Tr.*, 4/1/21 at 499. Nevertheless, there is no indication that participating in pub crawls or hiring promoters is a significant part of MAHK's business model, if at all, or that MAHK cannot properly superintend the business. Furthermore, there is no indication that pub crawls or promoters are currently having a negative impact on the neighborhood. As such, the Board denies the request because there is no basis for such an action at this time.

### **III. The Application Satisfies All Remaining Requirements Imposed by Title 25.**

72. Finally, the Board is only required to produce findings of fact and conclusions of law related to those matters raised by the Protestants in their initial protest. *See Craig v. District of Columbia Alcoholic Beverage Control Bd.*, 721 A.2d 584, 590 (D.C. 1998) ("The Board's regulations require findings only on contested issues of fact."); 23 DCMR § 1718.2 (West Supp. 2021). Accordingly, based on the Board's review of the Application and the record, the Applicant has satisfied all remaining requirements imposed by Title 25 of the D.C. Official Code and Title 23 of the D.C. Municipal Regulations.

### **ORDER**

Therefore, the Board, on this 16th day of June 2021, hereby **APPROVES** the Application to Transfer to a New Location a Retailer's Class CT License to premises 1806 Vernon St., N.W., filed by MAHK Meetings, LLC, t/a TBD, subject to the following **CONDITIONS**:

1. MAHK shall not receive a sidewalk café endorsement at this time, and must file an application for a substantial change and seek the approval of the Board if it seeks to add a sidewalk café.

2. The occupancy of the first and second floor shall be no greater than 50 persons. The Applicant shall file an application for a substantial change and seek the approval of the Board if it seeks to expand the occupancy of the premises further.
3. The summer garden hours shall extend no later than 11:00 p.m. on Friday and Saturday, and 10:00 p.m. on all other days.
4. If any ridesharing companies or rideshare applications allow MAHK to set its pickup and drop off location, then MAHK shall apply for and request that such locations be set for Florida Avenue, N.W.
5. The establishment's trash containers shall remain closed except when in use to deposit or remove trash.
6. No amplified music or other amplified sounds shall be heard in a residence with its windows and doors closed.
7. No alcohol shall be stored on the third floor of the premises unless an off-site storage permit is obtained from the Board or the establishment files an application for a substantial change and receives approval to expand the premises to the third floor.

**IT IS FURTHER ORDERED** that the Board's findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision.

The ABRA shall deliver a copy of this order to the Parties.

District of Columbia  
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
Key: ac43cb9b56d5f0e4b730060d1dccc8

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Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com  
*Bobby Cato*  
Key: 256d3fca02e146d7f4b75bd7917d20d

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Bobby Cato, Member

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Rema Wahabzadah, Member

eSigned via SeamlessDocs.com  
*Rafi Aliya Crockett, Member*  
Key: b560e91845e1f9e4016155e5c12f81cc

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Rafi Crockett, Member

eSigned via SeamlessDocs.com  
*Jeni Hansen, Member*  
Key: 82172931f508447491b56f6c2a41899

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Jeni Hansen, Member

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Edward S. Grandis, Member

I dissent from the position taken by the majority. I believe granting a license at this location is contrary to the best interest and public safety of the surrounding community.

eSigned via SeamlessDocs.com  
*James Short*  
Key: 5470e3793f20d6e6ac8c1b332d4294f6e

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James Short, Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 stays the time for filing a petition

for review in the District of Columbia Court of Appeals until the Board rules on the motion. *See* D.C. App. Rule 15(b) (2004).