

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

In the Matter of:)	
)	
)	
Toppromo, Inc.)	Case No.: 19-PRO-00163
t/a Ultrabar/Chroma)	License No.: ABRA-074767
)	Order No.: 2022-836
Application to Renew a)	
Retailer's Class CN License)	
)	
at premises)	
911 F Street, N.W.)	
Washington, D.C. 20004)	

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

ALSO PRESENT: Toppromo, Inc., t/a Ultrabar/Chroma, Applicant

Andrew Kline and Sidon Yohannes, Counsels, of the The Veritas Law Firm, on behalf of the Applicant

Kevin Wilsey, Chairperson, Advisory Neighborhood Commission (ANC) 2C, Protestant

Ashley Steinberg, Designated Representative, on behalf of a Group of Five or More Residents and Property Owners, Protestant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER GRANTING EXTENSION

In Board Order No. 2022-442, the Alcoholic Beverage Control Board (Board) approves the Application to Renew a Retailer's Class CN License filed by Toppromo, Inc., t/a Ultrabar/Chroma (hereinafter "Applicant" or "Ultrabar") subject to conditions where the Protestants demonstrated that Ultrabar regularly permits its music to be heard in nearby residences and has become a hang out spot for large crowds. Specifically, Ultrabar is required to

prevent its music from being heard in nearby residences, keep its doors and windows closed when not in use for ingress and egress, produce a sound analysis report regarding its premises for review by the Board, and shall hire the Metropolitan Police Department (MPD) Reimbursable Detail on Fridays and Saturdays.

Subsequently, the Applicant has requested an extension of 30 days to related to the requirement to conduct a sound analysis and to provide a report to the parties, which is opposed by the group. The Board grants the extension because there have been no prior requests and the extension is for a reasonable length of time. Furthermore, the Board previously indicated in its prior Order that the Board was amendable to the issuance of an extension. Finally, the Board does not view the extension as overly burdensome to the Protestants where conditions related to preventing the generation of amplified sounds that may be heard in residences, keeping its windows and doors closed, and hiring the MPD reimbursable detail will remain in effect.

ORDER

Therefore, the Board, on this 26th day of October 2022, hereby **APPROVES** the request for a 30-day extension related to section 3 of the Board's Condition in Board Order No. 2022-442. The Board advises the parties that the other conditions remain in effect and that additional extensions may result in more extensive scrutiny by the Board. 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: ac43cb9eb9d45f09e4b730093d1dccc8

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 547ae373f822de6ac8d1b332ad2049ec

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 256d3fca1b146d7f4b75bd7917d20d

Bobby Cato, Member

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

Rafi Crockett, Member

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda7f09f0040ec14adeb52541ce5

Edward S. Grandis, 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).