

Monday, November 16, 2015

Alcoholic Beverage Control Board  
2000 14th Street, NW, S400  
Washington, D.C. 20009

Re: Retailer's Class "C" Tavern Licence App # ABRA-100283 (2066 Rhode Island Ave NE)

Dear ABC Board,

I am writing to protest the issuance of a retailer's class "C" tavern license (# ABRA-100283) for the location 2066 Rhode Island Avenue NE. This establishment would be located in ANC Single Member District 5C07 on a corridor of Rhode Island Avenue Northeast that is just beginning to revitalize. This resurgence is led by community based businesses that add to the fabric of the retail environment and community. Granting this license would amount to a huge step backward in favor of nightclubs and late-night enterprises.

The proposed establishment at 2066 Rhode Island Avenue NE would negatively impact the community that I represent in following ways:

- Negative effect on the peace, order and quiet of the neighborhood
- Adverse impact on residential parking needs and vehicular and pedestrian safety
- Adverse impact on public and community facilities such as:
  - The new Woodridge library being constructed at the corner of Rhode Island Avenue NE and Hamlin Street NE.
  - Langdon Elementary and Burroughs Elementary schools, which are each located .5 miles from the proposed establishment.
- Discourage more community-friendly establishments from seeking to develop along the Rhode Island Avenue corridor, one of the eight that are part of the D.C. Government's "Main Street" Program.

The applicant has a history of falsifying documents dealing with the renewal of liquor license he currently holds, which renders him unfit for licensure. This history also demonstrates that he cannot properly superintend a licensed establishment, and indicates that he lacks the ability to ensure the proposed establishment at 2066 Rhode Island Avenue NE will have a detrimental impact on the community.

This applicant is the same person who operates SIP (formerly "Taste International") located at 1812 Hamlin Street Northeast. The community has had longstanding concerns with SIP/Taste and have deep concerns about allowing this proprietor to expand its business. SIP is routinely open for only late night hours (9/10pm until 2am/3am). There have been countless calls to ABRA inspectors for noise that emanates from SIP and enters adjacent resident's homes and apartments. Because of the disturbance SIP causes, neighbors that live behind SIP have to sleep with earplugs in until 3am/4am when the noise and commotion dies down. When SIP finally closes on weekends (during this 3 am/4 am timeframe), neighbors who live on (normally quiet) streets where SIP patrons have parked are often awoken by screaming and fights (both verbal and physical). Many neighbors awoken to this frequent disturbance call 911; sometimes by the time the police arrive, the SIP patrons have driven away. I have heard very credible reports that the very proprietors of SIP itself are shouting with patrons in the alley.

Other times, police just drive by or do not thoroughly check the alley behind SIP and the one-block Queens Chapel Road that is adjacent to it. Other neighbors have experienced car break-ins and other vehicle damage caused by SIP patrons during this late-night timeframe.

### **Community opposition**

The community is firmly opposed to this establishment. At a Single Member District meeting on Tuesday, October 13 the community voted unanimously, 65-0 to oppose this liquor license application based on the grounds of negative effect on the peace, order and quiet of the neighborhood as well as adverse impact on residential parking. I emailed the applicant's representative, Andrew Kline, on October 8 to invite him and MMA by TMI, LLC to the meeting, to which we received no response. No representatives from MMA by TIM, LLC attended the meeting. In choosing to ignore my invitation to meet with the community where they operate, the applicant and his company clearly signaled their unwillingness to engage with the neighborhood and attempt to resolve the neighbor's serious concerns.

At a properly noticed meeting of Advisory Neighborhood Commission 5C on Wednesday, October 21, ANC 5C voted to pass a resolution in opposition to the liquor license application for 2066 Rhode Island Ave, NE.

This united opposition is not surprising, given the community's long-standing experience with this applicant. As previously described, a direct link exists between SIP and disturbance to the neighborhood. I strongly urge you to deny granting this license.

### **Peace, Order and Quiet**

This stretch of Rhode Island Avenue NE and Jackson Street Northeast is a very quiet area. On the block along with the proposed establishment is a beauty salon, a barbershop, grocery store, capoeira gym, and several offices. The neighbors of this area have been pleased with recent additions of Zeke's Coffee, Good Food Market and Nido Restaurant -- but these places are open during the day and are more than just watering holes (both Good Food and Nido have ABC licenses).

The applicant seeks to open an establishment that would have a maximum number of seats of 199 and a maximum occupancy of 350. This would include "entertainment," "dancing," and "cover charge." The application also calls for a sidewalk cafe for up to 35, with the sidewalk cafe remaining open until 2am/3am.

Entertainment and cover charges until 2am/3am within just dozens of feet from resident's homes is the very definition of negative effect on peace, order and quiet. If this establishment is run like SIP/Taste, there will be amplified sound from inside the establishment pouring out onto Rhode Island Avenue NE, Jackson Street NE and Mills Ave NE, as well as the noise from gathered crowds of customers after the establishment closes. We also know SIP/Taste doesn't open until 9pm/10pm, so the *only hours* this establishment is open is precisely when this neighbors experiences tremendous 'peace, order and quiet.' There's no doubt this would be upended if this establishment were granted a license.

The applicant currently violates his own liquor license settlement agreement (Number 3, section a) covering maintenance of the dumpster and alley behind SIP. SIP routinely overfills their dumpster,



including while undergoing renovation over the summer of 2015. Because the dumpster is overfull, trash falls down into the alley and gathers behind the building.

We also know from the incident report for 1812 Hamlin Street NE that the applicant has flagrant disregard for the law. There are five ( 5 ) incidents documented in ABC Order No: 2015-277 starting in December 2012 through May 2013 that SIP was cited for noise violations and operating after hours. This has continued into 2015 with SIP being cited for sale to minor and again for noise.

SIP also routinely blocks access and egress in the alley. They have performers park their trucks in the alley, on public right-of-way, which has on more than one occasion caused neighbors to have to go to the front of the club to ask someone to get someone to move their truck so they can simply park their car when they get home late at night. It's only reasonable to expect more of this from the new establishment, which also backs up to a public street and is adjacent to an alley.

It is insulting to the very character of our neighborhood to apply for a sidewalk cafe with hours open until 2am/3am and would most certainly have a negative effect on peace, order and quiet. Sound carries through the neighborhood of detached, single-family homes very well and 35 people drinking in the middle of the night is sure to be heard for blocks, representing a clear negative impact on peace, order and quiet.

The applicant addresses this briefly in the application, question 18a and b. Where the applicant incorrectly states (in question 18a) "This establishment will be surrounded by commercial and retail businesses" and (in question 18b) "This establishment will fit in well with the businesses in the area." Looking at appendix A, B and C it is clear the establishment will NOT be surrounded by commercial and retail businesses, nor will it fit in well with the businesses in the area, none of which are open past 11pm or Midnight.

Beyond the 2000 block of Jackson Street NE, which will experience a drastic decline in quality of life if this application is approved, the neighbors across Rhode Island Ave NE on Mills Ave NE will also be disturbed. As shown in appendix D, the proposed location is directly across the street from Rhode Island Ave and looking at appendix E you can see truly how close the proposed location is to homes.

We know from prior experience with SIP/Taste that there will be great disruption of peace, order and quiet in the neighborhood if this application is approved.

#### **Adverse impact on residential parking needs, vehicular and pedestrian safety**

There's no question that if the application is approved, there would be a very negative impact on residential parking needs and vehicular and pedestrian safety. The 200-350 patrons will have to park deep into the adjoining neighborhoods, particularly on the 2000 block of Jackson Street NE and along 20th Street NE. The applicant incorrectly states in answer to question 18c that the location will have "no negative effect. this area is metro accessible and there are metered spots in the area." The proposed location is a full 1.3 miles (via google maps) from the closest metro station (Rhode Island Ave Metro). There are at most 50 parallel parking spots in the blocks around the proposed location (along Rhode Island Ave NE from 20th Street NE to Thayer Street NE), representing a fraction of the patrons they expect.

### **Questionable business practices and providing fraudulent documents to ABRA**

The applicant has a history of providing false information to ABRA for his own convenience. The following comes from ABRA Case No. 14-PRO-096986, Order No: 2015-277 where the person who the applicant bought SIP/Taste from was applying for a new liquor license for 3124 Georgia Ave NW.

- The applicant took ownership of SIP/Taste in August 2012, however did not initiate a transfer of the liquor license until 2014. "Mr. Nwaeze admitted that Taste's liquor license was not officially transferred in 2012; instead, the license was formally transferred in 2014." (ABC Order No: 2015-277; II, 4.)
- The applicant violated its "Agreement of Sale" by not initiating to transfer the license within the stipulated 60 days. According to the board order in this case the applicant was being reminded by the former owner that he needed to file this paperwork, but did not.
- The "Agreement of Sale" also calls for a "Concessionaire agreement" to be executed but no evidence has ever been found that such an agreement exists.
- In 2013 the applicant executed a liquor license renewal for SIP/Taste using the previous owner's name and signature, even though the ownership had been transferred and the prior owner had no involvement in the operations of the establishment.
- The bottom line is that the applicant knowingly submitted false documents to ABC and just as this led ABC to find Mr. Nwaeze "unfit for licensure" and I believe it should be the same for the applicant.

Furthermore, in this very application raises questions. The applicant answers "NO" to Question 7, which states "Do you have or have you previously held a license for the sale of alcoholic beverages", this despite the fact that it is the same signature, that of Temitope B. Ijiti, on this liquor license application and the liquor license for SIP signed on March 6, 2014.

### **Impact on community and surrounding area**

This establishment would negatively affect public and community facilities and undermine the burgeoning revitalization of the Rhode Island Avenue Corridor.

The proposed establishment is situated directly between two large, prominent churches. Across Rhode Island Avenue NE from the proposed establishment is Saint Francis de Sales Catholic Church and directly behind it across Jackson Street NE is the Evangel Missionary Baptist Church. St. Francis has dealt with clubs and establishments of this nature across the street before and feels the impact. St. Francis' property is a 'cut-through' for many folks coming from the neighborhood to Rhode Island Avenue and also has a large parking lot. Both of these factors would mean this church would carry an unnecessary burden. Evangel Missionary Baptist Church similarly will endure the disturbance of the clients of this establishment, and will also feel stress on its large parking lot. Evangel Missionary Baptist Church has submitted a letter stating they will not be allowing club patrons to use their parking lot and have concerns about the establishment.

As stated previously, there are two D.C. Public Schools .5 miles from the proposed establishment.

The proposed location is also within the boundaries of the recently-created Rhode Island Avenue Main Street. This economic development organization, funded by D.C. Government, has had a major hand in the revitalization of this corridor. For the first time in decades, new stores and restaurants are opening



that cater to the needs of the neighboring community. But the proposed establishment would have a negative effect on the revitalization of this corridor. Operating from 9/10pm-2/3am is not something that neighbors in detached single-family homes, many with either small children or senior citizens, would make use of.

**In conclusion**

As you can see from this letter and the over 200 neighbors who signed the petition, the community is strong opposed to this establishment and this liquor license. We want a strong, vibrant retail corridor in our neighborhood, but that's not what this would bring. I strongly urge you to reject this liquor license application.

Sincerely,

A handwritten signature in dark ink, appearing to read "Nolan Treadway". The signature is fluid and cursive, with the first name "Nolan" written in a larger, more prominent script than the last name "Treadway".

Nolan Treadway  
Advisory Neighborhood Commissioner, 5C07

## APPENDIX A

Showing the many houses on the 2000 block of Jackson Street NE that are in close proximity to the proposed establishment





## APPENDIX B

Showing the houses directly across the street from the back of the proposed establishment (1 of 2).  
Looking west.



## APPENDIX C

Showing the houses directly across the street from the back of the proposed establishment (2 of 2).  
Looking east.





## APPENDIX D

A map of the area showing Mills Ave, which is directly across from the proposed establishment and will channel a lot of the noise and commotion in front of the proposed establishment





## APPENDIX E

A map of the area showing Mills Ave, which is directly across from the proposed establishment and will channel a lot of the noise and commotion in front of the proposed establishment







**Government of the District of Columbia**

**ADVISORY NEIGHBORHOOD COMMISSION 5C**

Post Office Box 80127, Washington, D.C., 20018  
[www.ancward5C.com](http://www.ancward5C.com)

**RESOLUTION**

Resolved, the Advisory Neighborhood Commission of 5C have the authority to exercise great weight on the decisions of government agencies specifically with regards to zoning and alcohol and beverage laws and regulations, and therefore shall inform of the opposition regarding the current application for a liquor license # ABRA-100283 submitted by MMA by TMI, LLC for 2066 Rhode Island Avenue Northeast, which is located within the boundaries of 5C;

**Whereas**, application # ABRA-100283 is submitted by the same owners as SIP, located at 1812 Hamlin Street NE (that owner is “TMI International, Inc” and/or “TMI, LLC”);

**Whereas**, based on the history at 1812 Hamlin Street NE, ANC 5C believes approving the license for 2066 Rhode Island Avenue NE would negatively impact the neighbors peace, order, and quiet, including increased noise and litter.

**Whereas**, based on the history of 1812 Hamlin Street NE, ANC 5C believes approving the license for 2066 Rhode Island Avenue NE would negatively impact residential parking needs and vehicular and pedestrian safety.

Therefore, ANC 5C shall petition to the Alcohol and Beverage Administration to deny the application license number ABRA-100283 at this time;

ANC 5C designates the following as representative for the ANC’s protest: Commissioner Nolan Treadway. If Commissioner Treadway can not be available, Commissioner Jacqueline Manning will represent ANC 5C at any official proceedings as the backup representative.

Please send all correspondence to 2222 Lawrence Street NE, Washington, DC 20018.

*This resolution was presented and the following vote recorded at a properly noticed meeting of the 5C Commission on the date of* October 21, 2015

*Votes in support of this resolution:*

5

*Votes in opposition to this resolution:*

0

*Commissioners abstaining from voting:*


0

*Total Number of Commissioners Voting:*


5

Attested by:

**Jacqueline Manning**  
ANC 5C Chair (Written)

  
ANC 5C Chair (Signature)

10/21/2015  
Date

  
ANC 5C Commissioner (~~Written~~) Signature

ROBERT LOOPER  
ANC 5C Commissioner (Signature) W. H. L.

10/24/2015  
Date