

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 3B
GLOVER PARK AND CATHEDRAL HEIGHTS



Resolution Regarding Mason Inn's Application for Outdoor Alcohol Service

Whereas, Mason Inn (ABRA Lic. #079644), located at 2408 Wisconsin Avenue N.W., seeks to build an outdoor deck on its roof with capacity for 38-48 persons, sitting and standing, for the purpose of serving alcoholic beverages;

Whereas, Mason Inn seeks to serve patrons outside on its roof from 11 a.m. to 2 a.m. Monday through Thursday and 11 a.m. and 3 a.m. Friday and Saturday, and has said it intends to install TVs on the roof deck;

Whereas, Mason Inn's property line abuts a residential zone (R-3) and ANC3B is concerned about the effect of the proposed roof deck expansion on both the peace, order and quiet of this residential area and the limited amount of available parking spaces;

Whereas, Mason Inn's closest residential neighbor, 2405 37th Street, wrote a letter of support but qualified that support as follows: "There are many issues that need to be sorted out relating to noise but I am comfortable that city noise ordinances *and a strictly amended voluntary agreement* will ensure that the rooftop doesn't create problems for the neighborhood";

Whereas, the residents living at 2407 37th Street, which is also directly behind Mason Inn, have voiced strong and unqualified opposition to the roof deck proposal and, along with other near-neighbors of Mason Inn, and the Glover Park Citizens' Association, will be filing a separate protest with the ABC Board opposing the Mason Inn's plans;

Whereas, comments received by ANC3B from residents who are most likely to be affected by the noise from the outdoor roof deck (those living in the 2300 and 2400 blocks of 37th St.) showed support for the roof deck from 3 addresses and opposition to the roof deck from 9 addresses;

Whereas, ANC received many comments in support of the roof deck, but the vast majority of this support came from people living sufficiently far away that it is unlikely they would be adversely affected by noise or other disruptions from the proposed roof deck;

Whereas, Mason Inn has not controlled the noise emanating from its inside space, and was cited and fined for a noise violation last April when an ABRA investigator, responding to a complaint at 2:30 a.m., heard music from the Mason Inn inside the home of a resident of 2325 37th Street with the windows closed;

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January 10, 2012

Whereas, when asked about this noise violation at the January 8, 2012, meeting of the Glover Park Citizens' Association, Mason Inn owner Fritz Brogan deliberately tried to avoid admitting to the facts of the case and sought to shift the blame onto other nearby establishments, none of which have live music or DJ's as does Mason Inn;

Whereas, a review of the ABRA Investigative History for Mason Inn raises serious questions about its owners' commitment to running a safe and responsible business, identifying 23 ABRA investigations since 2008, including 3 cases concerning alleged violations of its Voluntary Agreement, 6 cases about assault with a deadly weapon or felony assault allegations, 4 cases in which a patron had to be taken to the hospital, and 4 fines paid to ABRA by the Mason Inn owners totaling \$12,750;

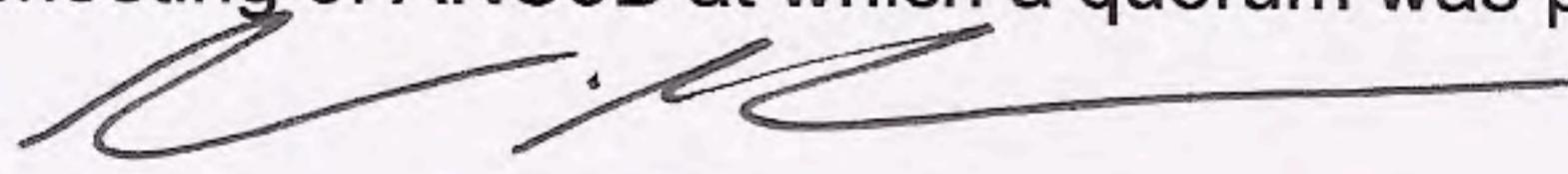
Whereas, the Mason Inn has had a uniquely high rate of incidents requiring ABRA investigation over the past five years relative to other Glover Park licensees – nearly twice as many as Good Guys, and more than Bourbon, Town Hall, and Surfside combined;

Whereas, a Court of Appeals challenge in 2012 brought by Mason Inn owners David Chung and Ki Jun Sung after the ABC Board refused to cancel the Voluntary Agreement at George, another licensed establishment they own, raises concerns about the owners' willingness to respect any Voluntary Agreement signed with ANC3B; and

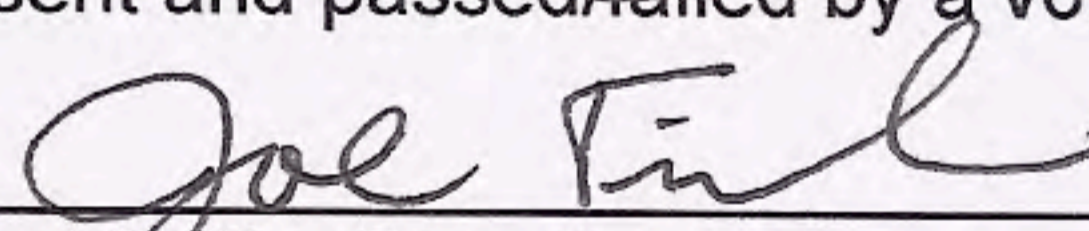
Whereas, ANC3B believes that the Mason Inn's residential neighbors should have the ability to protect the peace, order, and quiet of their homes, and that the proposed roof deck threatens the fragile balance of this mixed commercial/residential area;

Therefore, be it resolved that ANC3B hereby protests Mason Inn's application for a "summer garden" built on its roof on the grounds of peace, order, quiet, and parking.

The intent to vote on this Resolution was announced at ANC3B's December meeting, at which time representatives from Mason Inn presented their plans to the community. Comments were solicited and acknowledged. This Resolution was voted on at a duly announced, regular meeting of ANC3B at which a quorum was present and passed ~~failed~~ by a vote of 5 to 0.



Brian A. Cohen, Chairman



Joe Fiorillo, Secretary

January 10, 2012