

February 2, 2015

Alcoholic Beverage Regulation Administration (ABRA)  
2000 14th Street, N.W.  
Suite South 400  
Washington, D.C. 20009

To Whom It May Concern:

In accordance with DC Code Title 25, § 25-447(a), the LeDroit Park Civic Association (hereafter, "the Association"), Advisory Neighborhood Commissioner for Single Member District 1B01 (hereafter, "the ANC"), and residents of the 1800 block of 3<sup>rd</sup> St NW (hereafter, "residents") are filing this complaint per the terms of the Settlement Agreement signed on September 8, 2010 between Columbia Lodge #85 of I.B.P.O.E (hereafter, "the Lodge").

On December 1, 2014, the Association and the ANC delivered a Notice of Cure to the Lodge per Article 12 of the Settlement Agreement. Following several meetings between the ANC, the Association, representatives of the community, and the management of the Lodge, it was agreed that a series of concrete milestones would gauge progress towards compliance with the terms of the Settlement Agreement. Those milestones were documented in a supplement which was sent with the Notice of Cure. Both the Notice of Cure and the supplemental milestones letter were provided to the Lodge by registered mail and to ABRA per the terms of the Settlement Agreement.

The ANC, Association, and residents acted in good faith to fulfill their obligations under the Notice of Cure and supplemental letter. As agreed, a map and description of parking restrictions in the area was provided to the Lodge for use by its patrons. The Association and ANC worked with the Metropolitan Police Department to organize additional assistance around the Lodge's weekend closing hours. Additionally, the Association, the ANC, and the Lodge reviewed the rear of the Lodge's facility for lighting and safety.

The Lodge has complied with some, but not all, of the milestones noted in the supplemental letter. The Lodge posted "no loitering" signs in front of its facility. The Lodge moved its speakers to the rear of the facility, and elevated bass equipment in an attempt to reduce noise. While the Lodge did not identify a concrete decibel level for bass equipment in accordance with the requirements of the supplemental letter, it has generally lowered the volume of its speakers on some weekends, resulting in an occasional (if inconsistent) decline in the noise level from music emanating from the Lodge.

Unfortunately, the Lodge has failed to address many of the specific milestones contained in the supplemental letter, with the result that the root causes of non-compliance identified in the Notice of Cure remain fundamentally unresolved.

In the supplemental letter, the Lodge committed to mitigate noise complaints through several actions. The Lodge pledged to eliminate the noise caused by loiterers through relocating the

smoking area to the rear patio. The Lodge committed to discouraging noise at the front of its facility through active monitoring by security staff. The Lodge said it would reduce the volume of its bass speakers so they would not be audible outside the facility. Finally, the Lodge committed in the supplemental letter to providing to residents a point of contact for noise complaints.

During the Notice of Cure period, residents documented several incidents of disruptive noise primarily caused by loitering during and immediately after the Lodge's operating hours.<sup>1</sup> In all of these incidents, security staff failed to intervene. Residents continued to experience disrupted sleep in the early hours of the morning as a direct result of the Lodge's non-compliance with Article 9 of the Settlement Agreement, which commits the Lodge to "tak[ing] all necessary steps to minimize [security and crime] problems, including, without limitation, designating a sufficient number of employees to assure adequate security and to control unruly patrons, whether inside or in the immediate outside area."

The Lodge reduced the bass from its speakers on some weekends immediately following the Notice of Cure. By the end of December, however, the volume was once again at a disruptive level, to the point that it could once again be heard in surrounding properties. This again violates Article 6 of the Agreement, in which the Lodge commits to "all necessary actions to ensure that music, noise, and vibration from the Establishment are not audible within the adjacent residential properties."

The Lodge failed to both name a point of contact for noise complaints and share information about that point of contact with the community. As a result, residents were obliged to file their complaints directly with the ABRA complaint hotline, the police, or Lodge staff – none of which resulted in any remedial actions by the Lodge.

The Lodge committed in the supplemental letter to seeking additional off-street parking through community partners, specifically in the parking lot of the United Planning Organization. This corresponds to Article 5 of the Settlement Agreement, which required the Lodge to make a good faith effort to obtain parking in the UPO lot within 45 days of the agreement. Despite several reminders and offers by the Association and ANC to facilitate a dialogue between the Lodge and the UPO, no documented action was taken by the Lodge on this issue.

The Lodge has once again proved unwilling to abide by the Settlement Agreement, even after working with the community to address ongoing issues and agree on achievable milestones. The Association, ANC, and residents have little choice but to declare the Lodge in breach of the Settlement Agreement and inadequately responsive to the Notice of Cure. The Board has fined the Lodge, temporarily suspended its license on several prior occasions, and considered license revocation during multiple protest hearings brought by the Association and the ANC in the past.

---

<sup>1</sup> Residents filed several noise complaints with ABRA during the Notice of Cure period, and documented a series of incidents through videos. See <http://youtu.be/ISu2TakPxGc> (November 15, 2014); [http://youtu.be/sKisNPkc4z4?list=PLyGNHc5E0v\\_fgeF3MhkYITi06sxbIL3Q7](http://youtu.be/sKisNPkc4z4?list=PLyGNHc5E0v_fgeF3MhkYITi06sxbIL3Q7); (November 30, 2014); [https://www.youtube.com/watch?v=O-JOFYFrILY&index=5&list=PLyGNHc5E0v\\_fgeF3MhkYITi06sxbIL3Q7](https://www.youtube.com/watch?v=O-JOFYFrILY&index=5&list=PLyGNHc5E0v_fgeF3MhkYITi06sxbIL3Q7) (November 30, 2014); [http://youtu.be/kQfQ7hmlD6Y?list=PLyGNHc5E0v\\_fgeF3MhkYITi06sxbIL3Q7](http://youtu.be/kQfQ7hmlD6Y?list=PLyGNHc5E0v_fgeF3MhkYITi06sxbIL3Q7) (December 13, 2014); [http://youtu.be/XurAdHseGF8?list=PLyGNHc5E0v\\_fgeF3MhkYITi06sxbIL3Q7](http://youtu.be/XurAdHseGF8?list=PLyGNHc5E0v_fgeF3MhkYITi06sxbIL3Q7) (December 20, 2014); [http://youtu.be/ZnbKZqA9w6I?list=PLyGNHc5E0v\\_fgeF3MhkYITi06sxbIL3Q7](http://youtu.be/ZnbKZqA9w6I?list=PLyGNHc5E0v_fgeF3MhkYITi06sxbIL3Q7) (December 28, 2014); <http://youtu.be/5MpPKYKWoOU> (January 3, 2015)

Given the ongoing nature of the Lodge's non-compliance, the continual noise, security, and parking problems which significantly impact quality of life in the neighborhood, along with the frequent requirement for remedial police and ABRA actions, the Association, ANC, and residents thereby request a Show Cause Hearing before the Alcoholic Beverage Control Board under DC Code § 25-447.

The residents of the 1800 block of 3<sup>rd</sup> St NW – the immediate neighbors of the Lodge – have signed petitions urging the Board to revoke the Lodge's license. Copies of those petitions are attached for the Board's reference and consideration. The petitions represent an overwhelming majority of the currently inhabited properties in this block, all of which are directly impacted by the Lodge's continuing noncompliance.

The Association, ANC, and residents further urge the Board to act expeditiously in this matter, even by ordering a form of immediate relief. Much time and community energy has been expended in preparing and documenting this issue.

The Association, ANC, and residents appreciate the Board's consideration of this matter and look forward to providing further feedback as necessary.

Sincerely,



Brian Footer  
Commissioner  
Advisory Neighborhood Commission 1B01



Golda Philip  
President  
LeDroit Park Civic Association

Cc: Columbia Lodge #85  
Brienne Nadeau, D.C. City Council Member, Ward 1  
D.C. Department of Consumer and Regulatory Affairs

Attachment: License Revocation Petitions