

ANC 6A ABL Committee
January 19, 2010
Minutes

Meeting called to order at 7:05 pm

Committee members present: Mary Beatty (6A05); Anne Marie Koshuta; Michael Herman, Jaki Downs; Tish Olshefski

Commissioners: Kelvin Robinson (6A08); Gladys Mack (6A07)

Community: Coralie Farlee, Malcolm Ross, Alami Rahim, Gary Cha, Joseph Woo, Mark Busby, Adam Healy, Margaret Holwill, Julie Westfall, Joe Englert

I. HOUSEKEEPING

- a. **Agenda** – Motion to accept agenda in front of us as amended earlier in the day. No objections.
- b. **Minutes** – Motion to accept minutes presented at last ANC meeting. No objections.

Committee members introduced themselves:

Ann Marie Koshuta – Works in fashion, 30 years on the Hill

Jaki Downs – 1100 block of F Street (ANC6A02); in the hospitality industry

Mary Beatty – 1200 block of Duncan Place, single member ANC district 6A05. Vice Chair of the ANC. Background in politics. Currently President of Women in Government-a national nonprofit that supports female state legislators with educational programs

Tish Olshefski -- 900 Block of F Street (ANC6A02); lived on the hill for 28 year; Asst to the Exec VP of the American Federation of Teachers

Michael Herman – 1300 Block of D Street (ANC6A05) – lived on the hill for 28 years; currently a senior applications analyst at Sibley Memorial Hospital

II. COMMUNITY COMMENT

- a. Q: Do we have rules for conflict of interest for members of the Committee. A: The Committee hasn't established any, and has never had to deal with the situation, but the ANC has provisions on this. We would probably consider it a conflict of interest if a committee member owned an establishment that holds a liquor license.

III. DISCUSSION/UPDATES

1. Review ANC Action in January:

- b. Accepted the recommendation to replace the standard VA for 1101 with our new standard VA. Have not heard back from attorney. The hours of operation in the VA are 9AM to 9PM (previously 10AM/8PM).
- c. Did not take action on Chow because the committee's recommendation was to protest if we didn't have a VA by Jan 4. We did not have one, but could not act alone without ANC action. Chair Beatty is working with the attorney and the attorney is agreeable to a VA, but indicates that he wants a lot of changes from our standard VA. Owner also states he will make sure we will have one.
- d. Protest of Liberty Tree Tavern. ANC had already protested the license but since have negotiated the VA. Heard from the protestors at this meeting earlier. Hearing date was today. ANC voted last week to drop the protest.

IV. NEW BUSINESS

1. Biergarten Haus (1355 H Street, NE) – Aaron McGovern

- a. Mr. McGovern has been in the ANC meetings for last few months while his establishment under construction. Last month he held back his application in order to introduce himself to the ABL Committee. He wants the neighborhood to know his background in the restaurant industry.
- b. The reason for an application for a CT license has to do with how the buildings are set up. It's two buildings side by side and the kitchen is in one. CR requires kitchen in the same building but that's not possible.
- c. Providing a full restaurant menu. He understands the concerns in the neighborhood with trash, sound, pest, etc. (and he has taken this seriously also at his other place Russia House). The establishment has a substantial summer garden. The plus (and benefit for the neighbors) is that the garden is completely surrounded by tall buildings with a large garage in the back. The entire interior of the garden has 8 foot high-1 inch thick lattice to baffle the sound bouncing off concrete. Cobblestones are installed and has installed 2 large trees which will provide baffling above. At far end of property he is closing off the gates except for an emergency exit. He is also going to fence in the back with evergreen trees in big planters. Give it a Munich style feeling. Plan is for music inside and accordion (not an electrified) outside. (Mary states that may be a concern).
- d. Owner is willing to put in writing that they will sell that much food, just can't get a CR because of the kitchen set up—they have full seating capability.
- e. **Who are neighbors?** – SOVA, Rock & Roll Hotel;
- f. **Trees – are they large already?** Yes.

MOTION: Mary moves that: **The ANC protest the CT application of Biergarten Haus unless we have an approved VA before the petition date (March 8). Seconded by Tish. Unanimous.**

2. Souk (1208 H Street NE) -- Alami Rahim

- a. Recently opened and hasn't seen anything other than support from the locals. They do not serve liquor right now. Patrons come here to eat and go drink somewhere else.
- b. Mr. Rahim's background -- Worked at Lebanese Taverna--Managed Pentagon City establishment for 9 years.
- c. Souk is an open kitchen, no microwaves, they have a grill, oven and everything is fresh. Seating capacity is 50 with the patio.
- d. He believes they are missing a big of the menu because they don't have alcohol in the establishment. Different culture in our food concept--the liquor menu is designed to match the menu. He will serve Lebanese wines also.
- e. They are seeking a CR. They do not want an entertainment endorsement. There will be piped in music. They have a patio that is (or will be) wood covered overhead. It is enclosed by four 11 foot walls. Patio is behind the building. Enclosed by four walls (when they start serving out there it will be covered above). Walls are 11 feet.

MOTION: Mary moves that: **The ANC protest the CR application of Souk unless we have an approved VA before the petition date (March 1). Michael seconded. Unanimous.**

3. Rock & Roll Hotel Substantial Change (1353 H Street NE) – Joe Englert

- a. Looking to add a 99 seat roof top patio. The patio will be set back from the front and back of the building away from the street.
- b. Totally amenable to VA agreement for rooftop – closing early, music, etc.
- c. Issue raised by the community suggesting a three month trial period (should be in the summer) not the winter Decided to recommend a trial period through Aug 31 to see what the noise levels are like when people are actually outside. This would be the first rooftop deck that is actually used.

MOTION: Michael Herman moves that: **The ANC protest the application unless we have a signed VA by the petition date of February 1. Seconded by Jaki. Unanimous.**

4. Capitol Liquors (1835 Benning Road, NE) Exception to Singles Ban – Young Woo

- a. On behalf of Mr. Woo – Gary Chaw addressed the committee. Mr. Chaw wears two different hats. He is a retailer in DC and operates 6 organic market stores. Four have Class B licenses. He also runs an organization that represents 200 store owners.
- b. Mr. Woo has been affected by the economy and the H Street construction has been a problem for him. Having the single beer/half pints being banned and across the street in another Ward they don't have the ban is also a problem. Now he is operating with 3 employees and suffers because of it.
- c. Background from Mary Beatty: We have visited this issue before. Capitol Liquors had already voluntarily stopped selling single beers, but wanted an exception on half pints.
 - i. Q: Are they still only asking for an exception for the half pints? Yes.
 - ii. Q Is Mr. Woo still willing to sell only the higher priced? Wants to set the price down to 2.99 – the original agreed upon number was 5.99.
- d. Commissioner Gladys Mack spoke in support of Mr. Woo in his request for an exception to the sale of half pints. He has been a good neighbor as far as contributing to the committee, keeping the area clean. The construction has been a real problem for him.
- e. Q: Understand the need to set the price point high enough to eliminate the “street drinkers.” Is there any kind of study about a price point? Something based on a finding.
- f. Suggestion: Maybe write in that should there be an exemption in those places then it would expire.
- g. Additional suggestion: How about a trial period?
- h. With regard to the price point – whether there are facts & figures with regard to a certain number; If we select a price point and impose it we would need a good justification for establishing that. However in this case, Mr. Woo has set one that he wants, he doesn't have to prove anything. He wants to keep “street drinking” away from his establishment so he voluntarily will not offer the lowest priced liquors.
- i. Need to deal with the language of how a half pint translates to the actual volume size of the spirits bottles. Half pints or smaller maybe. Could be an area to be contested.

Mary Beatty recommends that we work out a VA and bring it back to the committee to bring to the ANC.. The Committee agrees. Mary will negotiate the language with Mr. Woo and will bring it back to the Committee. Mary plans to bring it to the February meeting; to go to the ANC in March.

Adjourn 8:30 am. Next meeting is February 16, 2010.