

ANC 6A ABL Committee
March 16, 2010
Minutes

Meeting called to order at 7:00 pm

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

Committee members absent: none

Commissioners: Raphael Marshall (6A01)

Community: Woo Young (Capitol Liquors); Kevin Bombardier (Queen Vic); Ryan Gordon (Queen Vic); Sandra Seran; Candace Hill; Jeff Angello; Coralie Farlee (ANC6D); Margaret Holoway (HSMS); Mark Thorpe (Little Miss Whiskey's); Stefan Rosu; Jay Brody; Ben Cerrard; Susan Pieslak.

I. HOUSEKEEPING

- a. **Agenda** – Motion to accept agenda. No objections.
- b. **Minutes** – Motion to accept minutes presented at last ANC meeting. No objections.

Committee members introduced themselves:

II. COMMUNITY COMMENT

- a. None

III. DISCUSSION/UPDATES

1. Capitol Liquors-Exception to Singles Ban

- a. Was accepted by the commission. Mr. Woo has already signed the agreement and we need to have Commissioner Robinson sign it. Mr. Woo needs to apply to ABRA for the exception before the ANC recommendation is submitted to ABRA.

IV. NEW BUSINESS

1. The Queen Vic (1206 H Street NE/Ryan Gordon/Kevin Bombardier)

- a. In the build-out process right now. British gastro pub. Beer selection. (Welsh, English, Scottish, Irish). British style food and local seasonal produce/meats.
- b. Q: Type of license. Applied for a Class CT about 2 weeks ago/February 19. ABRA got back to them on Monday evening with a question for a missing piece of information.
- c. Q: Entertainment endorsement? No.
- d. Q: Outdoor space? Have an area but have not submitted for it yet. Summer garden. 25 seats in the back, upstairs.
- e. Q: Sound mitigation? 6 foot barrier. Plants around the edge. Behind the building is an open lot.
- f. Q: Music on the outdoor area? No
- g. Q: Will outdoor be used for dining? Yes
- h. Q: How many bars can H Street hold between 10th & 15th? Committee looked at the issue about a year ago. Not just the capacity for how many bars but also how many the community was willing to endorse. That's why we have these meetings. Had one meeting dedicated to anyone who thought we had too many. Do we need a moratorium on the number of CT licenses? Had mixed comments from people. Consensus was that

it was too soon. Would be open to having another one if it is time to address the issue again. Committee agreed to discuss as new agenda item.

- i. They will have their placards by next Tuesday. Want to move forward if they have this to us. The clock starts ticking when they get the placard. Petition date is 45 days after that.

Mary Beatty moves that the ANC protest unless we have an ANC approved voluntary agreement prior to the petition date. Seconded Anne Marie. Unanimous

2. Little Miss Whiskey (1104 H Street NE//Mark Thorpe)

- a. Sound coming out of establishment is not acceptable to the owner. Realized never assessed the roof so in the process of getting equipment that will mitigate sound on the roof. Sound block needs to be dense and therefore heavy. He's having some engineering problems but he is working on it.
- b. Neighbor reports that Mr. Thorpe came to them and reported his next steps to minimize the sound problems. Jeffrey Augello thanked Mr. Thorpe and the ABL Committee for helping on this issue.

3. Red & Black Palace (1210 & 1212 H Street NE//Joe Englert/Greg Nicklas)

- a. Interested in combining the two businesses – Red & the Black and The Palace of Wonders. Taking down the wall upstairs and adding a kitchen on the bottom floor. Would have one license instead of two. Does not increase occupancy. Four to five nights a week would have events.
- b. Entertainment? (Both have an entertainment endorsement for 7 days a week). Current Palace of Wonder (theatrical) acts would be less frequently. R&B would be several nights a week (bands).
- c. Total capacity? 150
- d. Do we address the patios in the VAs? Yes on both (we believe). Need to add to a VA if we were to make a recommendation in favor of it.
- e. There are 7 events going on in each; Could be up to 7 events? Yes.
- f. Mary's questions might be more appropriate to ABRA but what happens to the licenses? Palace of Wonder license goes into safe keeping is what Joe expects and with it its VA would follow it. Will do a new VA if necessary.
- g. Q: what is driving this? Economics – people want food and neither place can do it now.
- h. Q: are you trying to increase stage area? No. the capacity won't change for that. Will just be in one establishment, not two.
- i. Q: what type of license? CT for both and will continue.
- j. Q: In description use the word "concert" – is the 159 standing or seated? Seats for 99 people. They have a seated license. They do not have a standing license.
- k. Q: Live bands for the concerts? Yes. That's what we have now.
- l. Q: So will staging size increase? More people? More equipment? May need to ask for a loading zone. DC9 (similar venue) can book national acts and more popular acts instead of local acts.
- m. Q: Will it require variances or special exceptions? No, don't think so.

No action required at this time. Needs to come back when they file for license.

4. Chow VA

- a. VA – The restaurant's attorney, Andrew Kline is saying they want to take out things of our standard VA that he believes can't be enforced by ABRA or are already in DC code.
- b. We believe keeping these items in the VA gives it added emphasis on these major community issues.
- c. Q re similar changes recommended by ABRA on Souk VA: why is ABRA doing this now after we've had this language for 5 years? Fred Moosally indicates that the new ABC Board Chairman may be trying to standardize the ANC agreements across the city.

Chair Beatty feels that if we approve the changes suggested by Andrew Kline that it sets a bad precedent for the upcoming public hearing on the topic.

Tish Olshefski moves that we recommend to the ANC that we not accept this Voluntary Agreement as presented to us by Chow. Seconded by Michael Herman. Unanimous.

5. ANC6A Standard Voluntary-ABRA Public Hearing

Chair Beatty distributed a letter from ABRA legal staff to ANC6A Chair Kelvin Robinson which had a long list of recommended changes to a VA submitted (our standard VA) for SOUK. The recommendations state that they are removing or rewriting language in the VA which is either 1) unenforceable by ABRA or 2) a repetition of existing law.

- a. Q: where did the letter come from? Came from ABRA legal staff.
- b. After receipt of letter, ABL Chair Beatty went back to the ANC Chair Robinson and asked for backup asking for a public hearing on this. We have asked for a public hearing on the rewriting of ANC voluntary agreements and the Executive Director say that will happen.
- c. What approach do we want to take on this? Chair Beatty has already been given ANC authority to write testimony on behalf of the ANC, but wants to know what the committee believes we should say.
- d. We don't want to take the language out which refers to existing law – our position, a lot of the owners are not familiar with all of the terms of DC law (i.e., valet parking) and it helps us to have them in there.
- e. Can we feel out what brought this on at this time? Discussion of ANC role and ABRA role in crafting voluntary agreements ensued.
- f. Do we know how onerous the businesses feel these VAs are? Every license holder along H has signed a VA, (many after review by their attorney), so they must not feel that they are onerous. Owner in the audience says the only concern that he has is that there are items in the agreement that don't really apply to them (ie, use of valet parking). Never had any negative feedback from the attorneys we have dealt with. Committee member Michael Herman commented that since the VA follows the license, that we should keep these items in, just in case the clause might apply to the next owner.
- g. Point out law that is important to this specific neighborhood.
- h. There was a suggestion to organize it in a different way so the DC Code items are together.
- i. Q: When is the hearing? Notice in next couple of weeks. At least 30 days in advance of the hearing.

NEW BUSINESS

Audience member ask for a public hearing regarding the status of pursuing a moratorium. Discussion with the community about a moratorium on the number of CT licenses.

Mary Beatty moves that the committee hold a public hearing regarding the number of CT licenses along H Street. Seconded by Tish Olshefski. Unanimous.

Adjourn 8:55 am. Next meeting is April 20, 2010.