

**Alcoholic Beverage Licensing (ABL) Committee
Advisory Neighborhood Commission (ANC) 6A
June 17, 2014**

Pursuant to notice duly given, a meeting of the Alcoholic Beverage Licensing Committee (“Committee”) of ANC6A was held commencing at 7:00 pm on June 17, 2014 at Sherwood Recreation Center, 640 Tenth (10th) Street NE, Washington, DC 20002.

Committee Members Present: Jay Williams (Chair), Michael Herman, Ann Marie Koshuta, and Adam Healy.

Committee Members Absent: David Oberting, Roger Caruth, and Christopher Seagle.

Commissioners Present: None.

Community Members Present: Claude Labbe, Blair Zervos and Joe Englert (H Street Country Club), Coralie Farlee (ANC 6D ABL Committee), Nate Bush and Ron McNeil (Smith Commons), Thomas Boisvert (The Pursuit), Robert Storch, and others.

I. Call to Order

Chairman Jay Williams called the meeting to order at 7:00 pm. The meeting having been duly convened, was ready to proceed with business with a quorum. Mr. Williams reviewed the agenda and asked if there were any additions or edits. There were none.

II. Community Comment

- None

III. Old Business

A. Update on requests by Little Miss Whiskey’s, H Street Country Club, Rock N Roll Hotel, and Vendetta to terminate their Settlement Agreements (SAs) with ANC 6A.

- Chairman Williams reported that he still expected the protest hearing regarding Little Miss Whiskeys’ request to go forward, as the ANC has not reached an agreement with that establishment.
- Chairman Williams reported that negotiations with H Street Country Club and Rock N Roll Hotel were ongoing, and he hoped a resolution could be reached without a protest hearing. Mr. Williams noted that the main issues still being worked out were rooftop deck hours, background music, and whether noise coming from the roof deck could be measured.
- Finally, it was noted by Ms. Coralie Farlee that Vendetta’s request for termination appeared to have been dismissed for failure to attend roll call hearing. Chairman Williams noted that this was an initial decision by the Alcoholic Beverage Regulation Administration (ABRA), and he was awaiting the full Order to make it official.

IV. New Business

A. Discussion of request by Smith Commons (1245 H Street NE) for summer garden endorsement and support from ANC for stipulated endorsement.

- Mr. Ron McNeil and Mr. Nate Bush presented on behalf of the establishment.

- Mr. Bush explained that Smith Commons has submitted an application for a Summer Garden endorsement on the second and third floor. On June 11, 2014, the ABC Board voted to placard this request, and they expect the placard to be posted by Friday.
- Smith Commons is asking for support of the application and for a stipulated endorsement that would allow the summer garden to operate during the placarding period.
- Mr. Bush noted that Smith Commons is currently operating under a Settlement Agreement with the ANC, and he believes they have been in compliance with it and operating as a good neighbor.
- Committee member Adam Healy asked if the establishment's current/previous patio operations did not comply with the current license. Mr. Bush confirmed, explaining that the establishment had sought several endorsements in the past but not a summer garden endorsement. It recently came to their attention that they did not have such an endorsement, and went forward with applying.
- Committee member Healy asked if the patios were currently operational, and Mr. Bush stated that they were not. Mr. Bush stated that Smith Commons wants to be in full compliance before re-opening the patios.
- Committee member Ann Marie Koshuta clarified that the discussion was about patios that were open at one point in time, when Smith Commons did not have the endorsement. Mr. Bush confirmed.
- Mr. Bush explained that when they transferred the license from the previous owners, there was an understanding that everything was in compliance, but that they recently discovered they didn't have the proper summer garden endorsement.
- Committee member Koshuta asked if Smith Commons had been open for some time, and Mr. Bush confirmed.
- Committee member Healy asked what placard hours the establishment would be seeking. Mr. McNeil stated that their current hours for the patio would be to close at 11:00 pm on weeknights and 12:00 am on weeknights.
- Chairman Williams asked if Smith Commons would be willing to strike Section 3(d) from its current Settlement Agreement (SA) (a provision that allows for later hours beyond 11:00 pm and 12:00 am automatically after a three-month period of no complaints) and Mr. McNeil said they would. Mr. Bush stated that they were willing to work with neighbors to address any concerns they might have.
- Mr. McNeil stated that he believes any noise concerns would originate from the second floor patio, not the third, because it's bigger and not as walled in.
- Mr. Robert Storch asked what happens when a patio closes at 12:00 am - do a lot of people have to be herded off at that time? Mr. McNeil responded that in the past they have been proactive about letting people know ahead of time that they will have to clear the patio by 12:00 am because of an agreement with the neighbors, and it hasn't been an issue.

Chairman Williams moved/seconded by Mr. Healy that the ANC formally protest request by Smith Commons at 1245 H Street NE (License Number 084598) for a summer garden endorsement, unless Smith Commons agrees to amend its Settlement Agreement (SA) to strike Section 3(d). Further, should Smith Commons agree to strike Section 3(d), the ANC will write a letter of support for a stipulated endorsement. Motion carried 4-0.

B. Discussion of CR license renewal for The Pursuit at 1421 H Street NE (ABRA # 094881) (note: f/k/a Angelico's, Settlement Agreement reached in 2010).

- Mr. Thomas Boisvert, partner for The Pursuit, presented on behalf of the establishment.
- Chairman Williams provided some background, noting that The Pursuit had acquired the license associated with this address, which was previously intended to be a pizza restaurant called "Angelico's," which never opened. Mr. Williams explained that the SA agreed to by Angelico's now automatically applies to The Pursuit.
- Mr. Boisvert explained that the license automatically renewed when they were completing their buildout, and that ABRA required placarding of the renewal after they opened.
- Mr. Boisvert stated that the establishment is a wine bar, which just opened last Saturday. They carry almost fifty (50) wines by the glass. The food menu includes a charcuterie board, small bites, as well as a custom-made grilled cheese sandwich menu. The establishment has two (2) floors - the first has a long concrete bar, and the second floor is a lounge area. They plan to have a summer garden patio in the back, but it is currently not open for operation (they need to amend their Certificate of Occupancy). The patio will seat about fourteen (14) people.
- Chairman Williams asked if the patio is on the ground floor. Mr. Boisvert responded that it was, and that it was fully enclosed by a six (6) foot fencing. He also acknowledged that there would be no music on the patio.
- Chairman Williams asked what hours they would seek for the patio, and Mr. Boisvert stated they were only seeking hours to comport with the Settlement Agreement.
- Chairman Williams asked if Mr. Boisvert would agree to removal of Section 3(d) of the current Settlement Agreement, and Mr. Boisvert said he would.

Chairman Williams moved/seconded by Mr. Healy that the ANC formally protest the CR license renewal for The Pursuit at 1421 H Street NE (ABRA # 094881), unless that The Pursuit agrees to amend its Settlement Agreement to strike Section 3(d). Motion carried 4-0.

C. Discussion of recent incidents at XII, including the ABC Board's recent suspension decision.

- Chairman Williams described the most recent stabbing incident at XII, provided a brief overview of the "highlights" of the ABC Board's summary suspension hearing, and explained that XII's license is suspended until the Board can fully resolve any potential findings of violations of law/regulations related to that incident. Such a hearing may not take place for a few months.
- Chairman Williams then led a discussion regarding why XII had been able to operate for so long, and the ANC's frustrations with the Board's seeming inability to enforce its own rules.

V. Adjourn

The Committee adjourned at 7:50 pm.