

**Alcoholic Beverage Licensing (ABL) Committee
Advisory Neighborhood Commission (ANC) 6A
August 19, 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 August 19, 2014 at Sherwood Recreation Center, 640 Tenth (10th) Street NE, Washington, DC 20002.

Committee Members Present: Jay Williams (Chair), Michael Herman, and Christopher Seagle.

Committee Members Absent: David Oberting, Roger Caruth, and Adam Healy.

Commissioners Present: None.

Community Members Present: David Conn and Ashlee E. Lawal (Kitty’s Saloon), Jayne’ Price and Jermaine Matthews (Naomi’s Ladder), Wuipig Yap (H Street Main Street), Claude Labbe, Victor McKoy, Larry Janezich (Capitol Hill Corner), and David Holmes.

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

Mr. Williams reported that the ANC and surrounding community were continuing to work with Rock & Roll Hotel and H Street Country Club to develop a new settlement agreement that all parties could be comfortable with. He also noted that Vendetta’s request to terminate its settlement agreement was dismissed by the Board for failure to attend a required hearing.

IV. New Business

A. Discussion of CR license renewal for Kitty’s Saloon at 1208 H Street NE (ABRA # 088675) (note: f/k/a Souk, Settlement Agreement reached in 2010).

- Mr. David Conn and Ms. Ashlee E. Lawal presented their plans.
- The new establishment will focus on smaller plates with a western theme. The initial plan is to open in the evenings, but they hope to introduce brunch soon after opening.
- There is not an outdoor space for the establishment, but they are working with the landlord to take over the second floor and, if allowed, would convert space in the back of the building to outdoor seating, but that won’t happen for quite a while.
- When asked whether they were aware of the settlement agreement (SA) previously agreed to by Souk, Ms. Lawal stated that she was not. Mr. Williams stated he would forward it after the meeting.
- Mr. Williams asked if the owners would be willing to work with the ANC on the outdoor space to make sure that there are no disturbances to the community. Mr. Conn and Ms. Lawal both said they would.

- Mr. Holmes asked if they had identified a place to deposit trash that was not on public space, and Ms. Lawal said they had. They also confirmed that they had space to store used cooking oil.
- Mr. McKoy asked some questions about the planned menu, to which Mr. Conn responded.
- Mr. Williams explained that any request for outdoor space seating would be considered a substantial change to the license, because the license currently does not have an outdoor seating endorsement. Thus, the ANC would have an opportunity to address any outdoor seating concerns if and when such a request is made. Because of that, and the SA currently in place, Mr. Williams stated that he felt that the ANC does not need to take any action at this time.

Mr. Williams moved/Mr. Seagle seconded that ANC 6A take no action regarding the CR license renewal for Kitty's Saloon at 1208 H Street NE (ABRA # 088675) (f/k/a Souk). Motion carried 3-0.

B. Discussion of CR license renewal for Ocopa at 1324 H Street NE (ABRA # 088102) (note: f/k/a Chicken Tortilla, Settlement Agreement reached in 2012).

- Mr. Williams noted that, although nobody had responded to his invitation to attend the meeting, Ocopa's situation was similar to Kitty's Saloon. The current license has a settlement agreement and does not have an endorsement for outdoor seating. Thus, he felt that no action on the part of the ANC was needed at this time.

Mr. Williams moved/Mr. Herman seconded that ANC 6A take no action regarding the CR license renewal for Ocopa at 1324 H Street NE (ABRA # 088102) (f/k/a Chicken Tortilla). Motion carried 3-0.

C. Discussion of request by ANC 6A establishments for limited exemptions for certain provisions of their Settlement Agreements during H Street Festival.

- Mr. Williams noted that he had received a request from Jason Martin (Rock N Roll Hotel, Dangerously Delicious Pies, Chupacabra) that the ANC take up requests similar to those made last year by H Street establishments regarding limited exemptions to their settlement agreements for the duration of the Festival.
- Mr. Williams noted that nobody was present to make such a request, so there was nothing for the Committee to discuss or recommend.

D. Presentation by new owner of 1123 H Street NE (formerly XII Restaurant and Lounge) regarding license transfer and future plans.

- Ms. Jayne' Price and Mr. Jermaine Matthews presented on behalf of the owners.
- Ms. Price stated that the new owner of the space that was known as XII is Naomi's Ladder, LLC.
- The plan is for the establishment to serve as a training facility. During the day, it would be similar to culinary centers elsewhere, offering training for management, bartending, serving, etc.
- The establishment would also provide a restaurant space with a bar with music and dancing.
- The owners also plan to obtain a catering license.

- The location will be attached to a non-profit, and they hope to provide food to area senior centers, daycares, etc.
- The owners are planning to have the rooftop space have a garden feel.
- Overall, they hope for an “entertainment complex” to allow for live music similar to what HR-57 provided on H Street.
- For culinary arts training, the owners are currently working with the Office of State Superintendent of Education to get a training license hopefully by January.
- When asked who the members of the LLC are, Ms. Price stated that Ms. Wanda James is one of the partners, but she is not sure who else.
- Mr. Williams stated that many in the community were interested in this space and what was planned because of the negative history with XII. He said most of the concerns are centered on noise, particularly from the roof deck. He asked the representatives to clarify their plans for the rooftop. Mr. Matthews and Ms. Price stated that they hoped to enclose the rooftop and use it for a bar and entertainment.
- Mr. Seagle noted that he believed the current settlement agreement prohibits music on the rooftop. Mr. Williams reviewed the document and confirmed, but stated that background music is allowed. Ms. Price and Mr. Matthews said there were no plans for music on the rooftop.
- Mr. Seagle and Mr. Herman recounted that the neighborhood had repeated issues with XII because many windows on the second floor were cracked, causing loud music to be heard inside neighboring houses, and XII never undertook efforts to repair them. Mr. Matthews and Ms. Price stated they would consider ways to ensure that noise did not get out of the building.
- Mr. Matthews confirmed that the owners were planning to offer a full menu, but hoped to keep the CT license (as opposed to a CR license).
- Mr. McKoy asked for more details regarding the establishment’s business plan. They noted that it would have an educational and retail purpose, but that it would first and foremost be a restaurant and bar.
- Mr. Seagle asked if there were any pending federal grants for the educational portion of the plan, and Ms. Price said there were not, but they hoped to obtain Department of Labor grants in the future; they were planning to be a non-degree certified program licensed through the Office of the State Superintendent of Education (OSSE).
- Mr. Labbe asked whom the owners hoped to have as their client students. Ms. Price stated that it would be adult DC residents and people from the surrounding areas.
- Mr. Matthews and Ms. Price stated that their first priority was to open the establishment (bar/restaurant) and then move to the education aspect of the business plan.
- Mr. McKoy asked what percentage of revenue they expected to come from education. Ms. Price stated 35-40 percent.
- Mr. Labbe asked about plans for the second floor, where he noted many noise complaints originated from. Ms. Price clarified that the entire facility would be used for dining and entertainment.
- Mr. Labbe asked why the owner did not attend the Committee meeting herself, and Mr. Matthews stated that she had a previous engagement, but they wanted to get on the Committee agenda as soon as possible. Mr. Williams noted that

due to the timeline with the former XII license and the ANC's pending protest, there would be additional opportunities for the ANC to hear from the owner.

- Mr. Matthews stated that he works with a contractor who does his own sound testing and soundproofing, and they will work to make sure that noise issues are minimized.
- Mr. Labbe asked if this was the owner's first business venture. Ms. Price said that this was the first venture of this type. She currently runs a nonprofit, but wants to work hard to establish a successful school and business. Ms. Price also reported that the owner attended new licensee training at ABRA.
- Mr. McKoy stated that he hoped the owner would answer the following questions in the future: (1) Percentage of revenue from food vs. alcohol; (2) The training curriculum (Ms. Price stated that they were working on one currently that would be run by an advisory board of current business owners); and (3) Details of the establishment's security plan (Mr. Matthews stated that one would be submitted).
- Mr. Holmes stated that he welcomed the new owners to the neighborhood and was looking forward to seeing their business. He asked who owns the building. Mr. Matthews stated that he did not have that information at the moment, but he did not believe it was Mr. Bernard Gibson.
- Mr. Holmes asked if Mr. Gibson was involved in any way with the new venture, including as an officer, manager, or stockholder. Mr. Matthews said that he was not, and that nobody affiliated with Mr. Gibson financially was involved.
- Mr. Holmes asked if they planned to utilize promoters. Mr. Matthews stated that if they did, they would work hand-in-hand with management, and promoters would never be allowed to run the establishment. He also stated that they would attempt to do self-promotion.
- Mr. Holmes stated that most of the issues the neighborhood had focused on noise, and suggested that the owners look into sound barriers on the roof as well as in the windows on the second floor.
- Mr. Matthews said that prior to opening, the owners would like to host a walkthrough with neighborhood representatives.
- Mr. Williams stated that, at this time, there is nothing for the ANC to act on, because the owners were planning to submit a license transfer to the Alcoholic Beverage Regulation Administration (ABRA), which does not allow for public comment. However, he noted that if the license were transferred, the license's renewal would begin again because XII never completed a renewal. At that point, the ANC would be able to further discuss this license and work with the owners.
- Mr. Williams thanked Ms. Price and Mr. Matthews for attending the meeting and stated he was looking forward to working with them.

V. Adjourn

The Committee adjourned at 8:05 pm.