

Alcoholic Beverage Licensing Committee
ANC 6A
October 16, 2012

Pursuant to notice duly given, a meeting of the Alcohol Beverage Licensing Committee ("Committee") of ANC6A was held commencing at 7:00 pm EST on October 16, 2012 at the Sherwood Recreation Center, 640 10th Street, NE Washington, DC 20002.

Committee Members Present: Adam Healy, Katy Thomas, Michael Herman, and Anne Marie Koshuta

Committee Members Absent: None

Commissioners Present: None

Community Members Present: Avery Leake, Meredith Sharp, Denise Corte, and Brian Roberts.

I. Call to Order

Chairman Healy called the meeting to order at 7:07 pm. The meeting having been duly convened was ready to proceed with business. Without objection the September 2012 minutes were approved and the agenda was approved with the addition of an agenda item related to ABC Board changes to the voluntary agreement for Spot on H.

II. Community Comment

None.

III. New Business

ABC Board Changes to the Voluntary Agreement for Spot on H

Mr. Healy indicated he was contacted by ABRA staff and informed that the Alcoholic Beverage Control Board requires the following changes to the Spot on H voluntary agreement:

On October 3, 2012, the Board reviewed the Agreement, which was approved with modifications to remove or modify the following provisions, which exceed the scope of DC Official Code 25-446 and 23 DCMR 1609:

- **Section 1 (Public Cleanliness...):** Remove subsection f.
- **Section 2 (Business Operations and Practices):** Remove subsection i.
- **Section 3 (Music/Dancing/Entertainment):** Modify the following sentence from subsection d, "If the patio has been open for business... expanded hours of operation on the patio," so that it reflects that the ANC will consider modifying the Voluntary Agreement to allow for expanded hours on the patio, rather than the existing language that indicates the licensee may submit a change of hours application.
- **Section 3 (Music/Dancing/Entertainment):** Remove subsection g.
- **Section 7 (Enforcement):** Remove subsection b.

Mr. Healy indicated that he has been unable to make contact with ABRA staff to discuss why these changes are required since they've been in the standard voluntary agreement approved

by the ABC Board in the past. He will continue seeking clarification and will take up the matter at the full ANC meeting in November.

Avery's Bar and Lounge

The owner Avery's Bar and Lounge to be located at 1370 H St. NE appeared before the Committee regarding his application for an alcohol license. He made a detailed presentation at the September 2012 ABL Committee meeting before the application had been placarded.

The Committee discussed the issue of how the ANC has a policy of strongly supporting CR over CT licenses. This applicant is seeking a CT license because he's leasing a location that is not equipped with a kitchen and the landlord won't install one. Mr. Healy noted that a CT has operated at this location for several years without any complaints from the neighborhood.

Mr. Healy moved/seconded by Ms. Thomas that the ANC protest the new license for Avery's Bar and Lounge located at 1370 H St. NE unless there is a signed, approved voluntary agreement prior to the protest date. Motion carried 3-0-1, with Ms. Koshuta abstaining.

Continuing Noise Complaints from Twelve (1123-1125 H St NE)

Mr. Healy stated that Commissioner Ronneberg continues to receive noise complaints from constituents that can hear music from Twelve in their homes. Mr. Healy invited Bernard Gibson, the owner of Twelve, to attend the meeting but he didn't hear back from him.

Mr. Robertson, Ms. Corte, and Ms. Sharp said they continue to be able to hear music coming from this establishment in their homes and that there has been no improvement since the last time this matter was discussed at the ABL Committee in May 2012. These residents indicated that they can hear loud music coming from both the rooftop venue as well as from inside the establishment. Ms. Sharp indicated that once the insulation was removed from the second floor windows, she can now hear in her house music coming from inside Twelve.

Mr. Healy moved/Ms. Koshuta seconded that the ANC invoke the cure provision of the ANC's voluntary agreement with Twelve located at 1123-1125 H St NE. Motion carried 4-0.

IV. Adjourn

The Committee adjourned at 8:34 pm.