

Alcoholic Beverage Licensing Committee
ANC 6A
January 15, 2013

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 January 15, 2013 at the Sherwood Recreation Center, 640 10th Street, NE Washington, DC 20002.

Committee Members Present: Adam Healy, Michael Herman, Anne Marie Koshuta, Katy Thomas, Roger Caruth, Dave Obertin, and Christopher Seagle

Committee Members Absent: None

Commissioners Present: David Holmes and Jay Williams

Community Members Present: Chris Taylor, Brandon Hill, Peter Chang, Chris Steinke, Sang Lee, Diana Lee, Margaret Holwill, Drew Ronneberg, Anwar Saleem, Jerome Phenious, Tasha Jova, Allan Whittaker, and Jessica Culpepper.

I. Call to Order

Chairman Healy called the meeting to order at 7:02 pm. The meeting having been duly convened was ready to proceed with business with a quorum. Without objection a new item number three was placed on the agenda under New Business regarding the ABC Board changes to recent settlement/voluntary agreements.

II. Community Comment

Mr. Healy announced that the Mayor today signed the legislation to update the District’s alcohol control laws and that voluntary agreements will now be referred to as settlement agreements.

Margaret Holwill announced that Joey Belcher had recently passed away. He was a part owner of Sticky Rice and other establishments on H Street.

Chris Taylor expressed his disappointment that the ANC had lifted the restrictions on the public space patio at Cusbah located at 1128 H St. NE. He lives near the establishment and is concerned about possible increased late night noise.

III. Old Business

Follow-up discussion of the ANC’s letter to Twelve located at 1123-1125 H St. NE regarding noise complaints that violate their settlement agreement

The Committee continued the discussion of the on-going noise complaints about Twelve. Mr. Bernard Gibson, owner of Twelve, failed to appear at the meeting even though he committed at the December meeting to attend the January meeting and that the new windows would be installed by the January 15 meeting date. Mr. Allan Whittaker appeared on behalf of Mr. Gibson. Mr. Whittaker indicated Mr. Gibson couldn’t attend the meeting because he was hosting a charity fundraiser. Mr. Whittaker indicated that the first phase of window delivery has arrived and that the second phase should arrive in 5-7 days but that none of the new windows have been installed. Mr. Healy expressed his disappointment that Mr. Gibson failed to attend or let the Committee know in advance that he

would not be attending. Further, Mr. Healy stated that the failure to comply with the commitment the establishment made at the December meeting was unacceptable. No action was taken by the Committee since the ANC had authorized the Commission Chair and ABL Chair to act on behalf of the Commission in this matter. Mr. Healy said he would discuss the matter with Chairman Holmes and move forward with contacting ABRA regarding the violations of the settlement agreement.

IV. New Business

Request from Grand Liquors for an exemption from the Ward 6 singles ban

The owner of Grand Liquors located at 409 15th St. NE asked the committee to support an exemption from the Ward 6 singles ban in order to sell pints of spirits. He was not seeking an exemption for beer. Mr. Lee believes the proximity of Ward 5, where there is not a singles ban, hurts his business. Two residents that live near the store spoke in favor of the request because the owner is a good neighbor and keeps the surroundings free of litter.

Mr. Healy indicated that to his knowledge, the ANC has only supported one similar exemption in the past. That was for a liquor store on Benning Road that was literally across the street from establishments in Ward 5 that were not subject to a singles ban. That store has since gone out of business so there is no active exemption in ANC6A.

Several committee members felt that instead of considering possible exemptions on a case-by-case basis it might be better to have a community meeting about the topic in general to see if the community still supports the singles ban. Mr. Healy agreed to have such a discussion at a future committee meeting this spring.

Ms. Thomas moved/seconded by Mr. Herman to not support an exemption to the Ward 6 singles ban for Grand Liquors located at 409 15th St. NE. The motion carried 6-1 (with Mr. Obertin voting no).

Discussion about events at 700 H St. NE using a caterer's license to serve alcohol

Discussion was held about events taking place at 700 H St. NE where a caterer's license has been used to serve alcohol. The organizers of some of the events appeared before the committee to discuss their events and plans for upcoming Inauguration weekend events. They indicated that all of the proper rules have been followed.

A resident indicated that some of the past events have been a real problem in the neighborhood with loud music that could be heard inside her home, parking/traffic congestion, urination in the alley, and other rowdy behavior.

Mr. Healy indicated that he had been working with ABRA staff to learn more about how caterer's licenses work and what a neighborhood could do to remedy a situation where a caterer's license is basically used to get around applying for a regular alcohol license and going through the normal public comment process. He learned that a licensee that was catering one of these events at 700 H St. NE received a \$250 ABRA fine for noise violations. There is a little known provision in District law that would allow an ANC and/or group of 5 or more residents to lodge an ABRA protest against a specific location if it can be demonstrated that past catered events have caused a repeated problem.

The consensus of the committee was to continue this discussion at the next meeting and to invite the owners of the building to the meeting.

ABC Board Changes to recent settlement agreements

Mr. Healy explained that over the past several months the ABC Board has been requiring changes to the ANC's settlement agreements by striking language that had been approved over the past several years. Unfortunately, there's little the ANC can do since the Board can reject the entire agreements or unilaterally make the modifications if the ANC does agree to the changes. Mr. Healy also expressed his desire to update the standard settlement agreement with the language required by the Board so that we don't have to continually vote on accepting these required changes.

The language of required changes to the Avery's Bar and Lounge, Maketto, and standard settlement agreements follows below. The new language is underlined and the stricken language is designated with a strikethrough:

Section 2(i): Upon request of the Board, applicant's call log shall be provided to the Board during meetings or hearings involving future renewals or contested proceedings involving the Applicant's license.

Section 7 (b): Applicant and the ANC 6A Commission agree to enter into this agreement. If the applicant should breach the conditions of this agreement, it is understood by all parties that the ANC 6A, and/or its committees, ~~or others shall immediately petition the ABC Board for a "show cause" hearing pursuant to 23 D.C.M.R. 1513.5~~ shall immediately file a complaint with the ABC Board, which will be investigated by ABRA's Enforcement Division, and may subject the Applicant to a Show Cause proceeding or any other penalty available to the Board under the law.

Mr. Healy moved/seconded by Ms. Koshuta to accept the ABC Board changes requested for the previously adopted settlement agreements for Avery's Bar and Lounge and Maketto and to amend the ANC's standard settlement agreement to reflect the changes required by the ABC Board. Motion carried 7-0.

V. Further Community Comment

Mr. Caruth and Anwar Saleem briefly mentioned that DC was chosen for an EMS conference to be held in March and that they were working with H Street businesses on potential events. They want to be mindful of the ANC's prohibition on bar crawls contained in settlement agreements. Mr. Healy indicated he would put them in touch with the appropriate ABRA staff to ensure any event would conform to the rules.

VI. Adjourn

The Committee adjourned at 8:50pm.