

Alcoholic Beverage Licensing Committee
ANC 6A
February 28, 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 February 28, 2012 at the Sherwood Recreation Center, 640 10th Street, NE Washington, DC 20002.

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

Committee Members Absent: Michael Herman

Commissioners Present: Drew Ronneberg and David Holmes

Community Members Present: Ian Holt, Troy Hickman, George Grall, Mark Busby, Brandi Summers, and Margaret Holwill.

I. Call to Order

Chairman Healy called the meeting to order at 7:04 pm EST. The meeting having been duly convened was ready to proceed with business.

II. Community Comment

Margaret Holwill raised concerns about new applicant Xclusive located in ANC6C but across the street from ANC6A. She indicated the owners haven’t signed a voluntary agreement with the community and that the case is going to a protest hearing in March. Mr. Healy indicated that he had been contacted by neighbors living near the proposed establishment asking that ANC6A send a letter of support for the protest. Mr. Healy said he was not comfortable taking a formal committee position on the matter since it hadn’t been placed on the agenda and publicly noticed; however, it was the consensus of the committee that 6A should support the protest. Mr. Healy indicated he will have it added to the full ANC meeting agenda in March.

III. New Business

The Casbah (Retail Class “C” Restaurant)

In December, the owner of a new license for The Casbah 1128 H St. NE appeared before the committee to talk about his establishment.

Mr. Healy moved/seconded by Ms. Koshuta that the ANC protest the license for Casbah located at 1128 H St. NE unless there is an approved voluntary agreement by the petition date and that the standard VA state the maximum number of occupants allowed on the outdoor patio at 40 patrons (according to their ABRA license). Motion carried 4-0 (with Commissioner Ronneberg voting).

DC Conscious Cafe (Retail Class “D” Restaurant)

Since the last meeting, Mr. Healy reported that he was able to get in contact with Pam Johnson regarding the application for DC Conscious Cafe at 1413 H St. NE. He reported that Ms. Johnson wanted to attend the meeting; she had a previous commitment, but was willing to answer in writing any concerns or questions the committee had. Mr. Healy indicated he felt

the application was reasonable because it's a DR and the hours of operation and entertainment seem responsible. He believes the owner will sign a VA.

Since the committee previously voted to protest the license unless a VA is approved by the petition date, the committee took no further action.

Impala Cantina Y Taqueria (Retail Class "C" Tavern)

The owners of Impala Cantina Y Taqueria again appeared at the meeting after having made a presentation at the January meeting. Their proposed establishment is located at 1358 H St. NE. Based on discussion at the January meeting about how outdoor seats would count for the food sales requirement of a restaurant license, Mr. Healy reported that he's been working with ABRA staff on possible language that could be included in Impala's CT VA that would require them to operate as a restaurant and meet food sales requirements for the indoor seats even though they seek a tavern license. Mr. Healy said ABRA confirmed that outdoor seats that are on private property (rooftop, deck, or patio) count towards the \$2000 per seat per year food sales requirement (outdoor seats on a public patio space - with DDOT approval - do not count in that calculation). Mr. Healy stated that ABRA staff has given preliminary indication that the board would likely accept the language in the VA (much of the proposed language mirrors DC statutory language defining an ABRA-licensed restaurant).

Discussion was held about whether or not this would set a precedent for other restaurants that want to seek a tavern license after the ANC's actions last year strongly encouraging restaurant versus tavern licenses. It was the consensus of the committee members that this was a unique case because of the large number of outdoor seats that would be located on private property and that the proposed VA language would ensure the licensee operates as a restaurant.

Mr. Healy moved/seconded by Ms. Thomas that the ANC approve the standard VA for a CT license for Impala Cantina Y Taqueria at 1358 H St. NE with the following change:

"Strike Section 3(h) and insert the following: The establishment shall be regularly ready, willing, and able to prepare and serve food, have a kitchen (with an operational stove, oven, or grill) which shall be regularly open, have a menu in use, have sufficient food on hand to serve the patrons from the menu, and have proper staff present to prepare and serve the food up until at least one hour prior to closing. The establishment shall have annual gross food sales of \$2000 per occupant or have food sales account for at least 45 percent of the establishment's gross annual receipts. The occupancy is based on the 150 occupancy for the inside seating portion of the establishment."

Motion carried 4-0 (with Commissioner Ronneberg voting).

Souk (Retail Class "C" Tavern)

After the last ABL meeting, the owner of Souk contacted Mr. Healy asking for the ANC's support for a stipulated license for his establishment at 1206 H St. NE. The owner indicated

that the previous owner had canceled the alcohol license without his knowledge and that he would need to stop operations until the ANC supported a stipulated license or until a new placard period expired. The ANC considered the matter at the January meeting and voted to support a stipulated license with the understanding that a new VA would be signed.

Since that time, ABRA has posted the placard for Souk and they applied for a tavern license even though their previous license was for a restaurant. The owner was not in attendance at the meeting. Discussion was held about how to treat this license since it was for a tavern and the ANC strongly prefers restaurant licenses, the establishment previously operated with a restaurant license, and the establishment doesn't have outdoor seating (which was the special case in the Impala license issue). Additionally, Commissioners Healy and Ronneberg indicated they have had issues with the establishment regarding the inappropriate removal of trash at this establishment several times in the past.

Ms. Thomas moved/seconded by Ms. Koshuta that the ANC protest the CT license for Souk located at 1206 H St. NE unless the applicant changes the ABRA license to a restaurant and signs a new voluntary agreement by the petition date. Motion carried 3-0. Mr. Healy indicated he will contact the owner to work on the issue and hopes to get the license application changed to a CR.

ABC Board Changes to Submitted VAs

ANC Chair Holmes and Mr. Healy have received correspondence from ABRA staff indicating the ABC Board had conditionally approved the ANC's voluntary agreements with Pho Bar and Grill, Sol Mexican Grill, Da Luft, Central, and Dangerously Delicious DC. The Board is requiring the establishments and the ANC to accept the following changes to the VAs in order for them to be approved:

Section 2(i): Applicant's call log and incident log shall be provided to the ANC or Board during meetings or hearings involving future renewals or contested proceedings involving the Applicant's license.

The word "ANC" should be removed.

Section 2(j) should be removed.

Section 3(d): This section should be clarified that any extension of hours must still be considered and approved by the Board, as the final decision maker. Please also be sure to include the applicable time period, as it is left blank in some of the voluntary agreements.

Mr. Healy moved/seconded by Ms. Koshuta that the ANC reluctantly accept the Board's modifications and that the standard voluntary agreement be updated to reflect the Board's changes, including the following modification to Section 3(d) of the updated standard VA:

“Strike everything in Section 3(d) and insert the following: The hours of operation for a patio or summer garden on private property (excluding rooftops) are limited until 11:00 p.m. Sunday through Thursday evenings and 12:00 a.m. on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons and staff. If the patio has been open for business for at least three months during the months of April through September and noise levels from the patio do not create a repeated disturbance to the neighborhood during this time period and the licensee has a record of good conduct during this time period, the licensee may submit a change of hours application to allow for expanded hours of operation on the patio.”

Further, that the ANC send a letter to the ABC Board indicating why we believe these provisions are important to the community, asking why the Board chose to discard them, and what modified language they recommend that could replace these provisions. Motion passed 3-0.

IV. Adjourn

The Committee adjourned at 8:39 pm. The next meeting is Tuesday, March 20, 2012 at 7 pm at Sherwood Recreation Center.