

Alcoholic Beverage Licensing Committee
ANC 6A
February 18, 2014

Pursuant to notice duly given, a meeting of the Alcoholic Beverage Licensing Committee (“Committee”) of ANC6A was held commencing at 7:00 pm EST on February 18, 2014 at Sherwood Recreation Center, 640 Tenth (10th) Street NE, Washington, DC 20002.

Committee Members Present: Jay Williams (Chair), Michael Herman, and David Oberting.
Committee Members Absent: Adam Healy, Mary Cary Bradley, Christopher Seagle, Roger Caruth, and Ann Marie Koshuta.

Commissioners Present: None.

Community Members Present: Chris Steinke, Margaret Holwill, Jermaine Matthews, Karl Graham, 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 without a quorum. Chairman Williams reviewed the agenda and asked if there were any additions or edits. There were none.

II. Community Comment

- Ms. Holwill reported that Romeo and Juliet on Massachusetts Avenue NE just received an order from the ABC Board limiting its outdoor patio hours to 11:00 pm/midnight.
- Mr. Steinke asked whether the ANC would change its strategy for Settlement Agreements given the Ben’s Chili Bowl protest hearing. Chairman Williams reported that the ANC always evaluates its strategy, but it was premature to discuss changes due to the hearing because the Board had not issued an order yet.

III. Old Business

A. Update on status of XII, Ben’s Chili Bowl, and Cusbah protest hearings.

- Mr. Williams reported that XII’s request for reinstatement was denied, even though the ANC did not oppose it. This means that XII has to re-submit its renewal application and go through the placarding process again. XII would be able to remain open during this period.
- Mr. Williams reported that the Ben’s Chili Bowl protest hearing went forward as scheduled, and the ANC expected to receive a decision from the Board in the next few weeks. The transcript is available on the ANC’s website.
- Mr. Williams reported that the Cusbah protest hearing had been continued to April.

B. Update on Sin Bin Sports Bar & Restaurant Settlement Agreement.

- Mr. Williams reported that representatives from Sin Bin agreed to the ANC’s standard Settlement Agreement, and noted that it was very nice to work with business owners who were interested in what was important to the community.

C. Update on Sahra mediation and Settlement Agreement addendum.

- Mr. Williams reported that the ANC attended mediation with Sahra in advance of a scheduled protest hearing, and the parties were able to reach an agreement. Sahra agreed to, among other things, have last call on its sidewalk café a half hour before the café's closing hours, properly secure all patio furniture when not in use, not use third party event promoters, and designate one employee responsible for overseeing the outdoor space at all times it is in operation.

IV. New Business

A. Discussion of new license application for Halftime Sports Bar at 1427 H Street NE (Class "C" Tavern) (License Number ABRA-094107).

- Mr. Graham, the owner, spoke to the Committee about his plans.
- The establishment will have a sports bar theme, but will be kid-friendly, serving burgers, fries, chicken nuggets, applesauce, etc.
- The plan is to have about 20 television sets, and to show a variety of sports at all times.
- Mr. Graham noted that the establishment would be a bar first, with food and kid-friendly aspects secondary.
- Mr. Graham noted that there have been no incidents or problems at his other H Street establishment, the Elroy, and that he also intended to have an office at the new location, so he will be present at the establishment a lot.
- The establishment will not have a patio or roof deck.
- Mr. Graham stated he had no problem signing the standard ANC Settlement Agreement.
- Mr. Williams clarified that the establishment had no plans for any outdoor space, and Mr. Graham confirmed.
- Mr. Graham noted he was hoping to have special events where sports figures would be present to sign autographs.
- Mr. Williams raised the issue of the application for a Tavern license rather than a Restaurant license.
- Mr. Graham said he would be unable to maintain a CR license due to the prices of the food he planned to sell.
- Mr. Williams noted that he felt there shouldn't be a blanket opposition by the ANC to CT licenses, but that the issue should be carefully considered on a case-by-case basis. He stated that he was leaning in favor of a CT in this instance due to the history with the Elroy and the fact that the establishment had no outdoor space and was not close to residences.
- Ms. Holwill stated that she agreed that some exceptions should be made to an overall opposition to CT licenses.
- Mr. Steinke stated that the ANC's policy on CT licenses was formalized during a discussion of a liquor license moratorium, and that the idea was to encourage restaurants. He expressed his belief that this policy had evolved into a blanket opposition to CT licenses.
- Ms. Holwill responded that the meeting resulted in a general disfavoring of CT licenses.
- Mr. Matthews stated that the issue is really one of image, because CRs can do all of the things CTs can do, including live entertainment.

- Mr. Oberting stated that he believed the best barometer on the issue is the market.
- Mr. Williams said that ABRA has incentivized CTs in the way the regulations work; that there was no real incentive for an establishment to get a CR license. Although it's slightly cheaper, there are additional reporting obligations, and a restaurant can sell as much food as it wants under a CT license.
- Mr. Herman stated that he sees the ANC policy as a recommendation, but that it gives the Committee and the ANC flexibility to consider individual cases.
- Mr. Holwill stated it is also difficult for smaller buildings on H Street to run a profitable business, and alcohol sales are where the money is.

Mr. Williams moved/seconded by Mr. Herman that the ANC formally protest the CT license application for Halftime Sports Bar at 1427 H Street NE (License Number ABRA-094107) unless a signed Settlement Agreement is submitted to the ANC prior to the protest date. Motion carried 3-0.

B. Discussion of new license application for Andy Lee Liquor, Inc. (Trade Name TBD) at 914 H Street, NE (Class "A" Retailer) (License Number ABRA-093550).

- Mr. Williams noted this applicant had been previously discussed at the November 2013 meeting, but that they had since withdrawn and resubmitted their application.
- Mr. Matthews spoke on behalf of the owner, Andy Lee, whom he said was unavailable to make it to the meeting due to conflicts and the fact that the establishment was added to the agenda just a few days ago.
- Mr. Matthews stated that the issue with resubmitting the application had to do with a zoning issue and a lack of a landlord letter.
- Mr. Matthews said that Mr. Lee plans to run a high-end establishment, with a large part of the business focusing on wine sales. Mr. Lee plans to have open displays and no plexiglass, and maintain a safe, clean environment.
- According to Mr. Matthews, Mr. Lee understands the singles ban in Ward 6 and will abide by it.
- Mr. Lee plans to have a security guard present at the store at night.
- Mr. Williams asked about whether Mr. Lee intended to sell 2-packs of beer, because there had been concerns raised at the previous meeting that this is a way to get around the singles ban. Mr. Matthews said Mr. Lee would like to sell higher quality beer in 2-packs, not malt liquor.
- Mr. Matthews stated that this is Mr. Lee's first establishment in DC, and that he wants to work with the community. Mr. Lee is willing to discuss a Settlement Agreement.
- Ms. Holwill expressed disappointment that Mr. Lee did not attend the meeting.
- Mr. Williams pointed out that it was true that the establishment was only added to the agenda a couple of days ago, due to the placard posting date and the required protest schedule.

Mr. Williams moved/Mr. Oberting seconded that the ANC formally protest the Class A Retailer license application for Andy Lee Liquor, Inc. at 914 H Street NE (License Number ABRA-093550) unless a signed Settlement Agreement is submitted to the ANC prior to the protest date. Motion carried 3-0.

V. Adjourn

The Committee adjourned at 8:00 pm.