

Minutes
Alcoholic Beverage Licensing (ABL) Committee
Advisory Neighborhood Commission (ANC) 6A
Tuesday, April 26, 2022, 7:00 pm
Virtual Meeting—Held on Zoom

Pursuant to notice duly given, a meeting of the Alcohol Beverage Licensing Committee (“Committee”) of ANC 6A was held commencing at 7:00 pm EST on April 26, 2022, on a publicly posted Zoom event.

Committee Members Present: Mona Hatoum (Co-Chair), Ian Stanford (Co-Chair), Kara Hughley, Joe Krisch, Mike Velasquez

Commissioners Present: Robb Dooling (6A06)

Establishment Representatives Present: David Uzzell and Ryan Maliszewski (Mozzeria), Zandrique Harrold (Milk & Honey Cafe), Jarrod Bennett and Douglas Yuell (Atlas Performing Arts Center), Silvan Kraemer (Stable DC), Justine Mwebaza (Hakuna Matata Kitchen and Bar)

- I. Call to Order/Approval of Agenda/Approval of Minutes
 - Co-Chair Mona Hatoum called the meeting to order at 7:02 pm. Ms. Hatoum proposed that the Committee reorder the agenda as follows: Mozzeria, Milk & Honey Cafe, Atlas Performing Arts Center, Choongman Chicken and Seafood, Stable DC, Hakuna Matata Kitchen and Bar. The Committee approved without objection. Ms. Hatoum noted that representatives from Milk & Honey Cafe and Choongman Chicken and Seafood were not yet present, and that they would be moved to the end of the agenda if they were not present when called upon.
 - The minutes from the March 22, 2022 meeting of the Committee were approved without objection.

- II. Community Comment
 - A community member indicated that she joined to listen to the discussion about the establishments in the area.

- III. New Business
 - Discussion of application by Mozzeria DC LLC t/a Mozzeria at 1300 H St. NE (ABRA-116160) for renewal of its Class C Restaurant License.
 - Ms. Hatoum indicated that Mozzeria is not seeking any changes to its license and a settlement agreement was signed recently.
 - Ms. Hatoum flagged that the placard does not include any mention of a summer garden, although they currently operate a streatory, in case they need to clarify that with ABRA. Mr. Maliszewski confirmed that they have a limited patio.
 - **Co-Chair Ian Stanford moved that the ABL Committee recommend that ANC 6A send a letter of support for the license renewal application for Mozzeria. Commissioner Robb Dooling seconded the motion and the motion passed unanimously with a vote of 6-0.**

 - Discussion of application by Atlas Performing Arts Center, t/a Atlas Performing Arts Center at 1333 H St. NE (ABRA-085207) for renewal of its Class C Multipurpose License.

- Ms. Hatoum indicated that Atlas Performing Arts Center is not seeking any changes to its license; however, the Settlement Agreement (SA) with ANC 6A was signed with a predecessor.
- Mr. Uzzell explained that there was an ownership change several years ago.
- Committee members proposed an amendment or addendum to the settlement agreement to memorialize the ownership change.
 - **Mr. Stanford moved that the ABL Committee recommend that ANC 6A send a letter of support for the license renewal application for Atlas Performing Arts Center. And additionally that ANC and Atlas Performing Arts Center update the existing Settlement Agreement with an addendum related to ownership, and that the Chair and Vice Chair of the ABL Committee and the Chair and Co-Chair of the ANC represent the ANC in the negotiation of the addendum to the settlement agreement. Mr. Dooling seconded the motion and the motion passed unanimously with a vote of 6-0.**
- Co-Chair Hatoum indicated that she would be in contact with the applicant after the meeting regarding the addendum, which cannot be signed until after the upcoming ANC meeting. She also invited them to join the ANC meeting, noting that this item will be on the consent agenda.
- Discussion of application by 1291 Hospitality Group, LLC, t/a Stable DC at 1234 H St. NE (ABRA-105439) for renewal of its Class C Restaurant License.
 - Ms. Hatoum noted that Stable DC's Settlement agreement was signed in 2012 with the predecessor, so some updates may be needed, and the placard includes summer garden hours until 2:00 am all week.
 - Mr. Kraemer indicated that the summer garden hours are a continuation of the current license, but that in practice, the last seating is at 9:30 pm, and they wrap up between 11:00 pm and midnight.
 - A Committee member asked if there had been any noise complaints, and Mr. Kraemer indicated that there had not and that they do not play any loud music, just dining.
 - A Committee member asked if the Committee should try to maintain consistency across the various establishments, as the summer garden license hours typically end between 11:00 pm and midnight.
 - Mr. Dooling indicated that during his time on the ANC he has not heard of any complaints about this business, so he would support continuing the current hours.
 - Mr. Kraemer stated that Stable has been there for five years and they want to be good neighbors.
 - A Committee member asked if the Settlement Agreement needed to be updated. Committee members noted that the current Settlement Agreement was signed by a predecessor and that there are some provisions that the Committee may want to change, including the loitering provision, which is no longer included in the template.
 - Mr. Dooling noted that the summer garden hours going until 2:00 am may be a hot topic at the ANC meeting, as some commissioners may have concerns about the precedent.
 - **Ms. Hatoum moved that the ABL Committee recommend that ANC 6A send a letter of support for the license renewal application for Stable DC. Additionally that the ANC and Stable DC update the existing**

settlement agreement as necessary, and that the Chair and Vice Chair of the ABL Committee and the Chair and Co-Chair of the ANC represent the ANC in this matter. Mr. Krisch seconded the motion and the motion passed unanimously with a vote of 6-0.

- Co-Chair Hatoum indicated that she would be in contact with the applicant after the meeting and would send a copy of the standard Settlement Agreement. Mr. Dooling also asked if Mr. Kraemer would be able to attend the next ANC meeting on May 12, 2022. He indicated that he would. Ms. Hatoum stated that she would send the information regarding the meeting.
- Discussion of application by Hakuna Matata DC LLC, t/a Hakuna Matata Kitchen and Bar at 1128 H St. NE (ABRA-121081) for a Class C Restaurant License.
 - Ms. Hatoum indicated that this is a new application for Hakuna Matata Kitchen and Bar, and that they will be in the space where Cusbah used to be.
 - Ms. Mwebaza shared that they want to bring East African cuisine, made from scratch, to H Street, and showcase their culture.
 - A Committee member asked about the plan for opening, and Ms. Mwebaza indicated that they are ready to go, and they plan to open as soon as they have the permits.
 - A Committee member asked about the plan for live entertainment, and Ms. Mwebaza indicated that they plan to offer East African jazz and a live deejay occasionally on the weekend, with soft music. She said they may also have a small band indoors on weekends.
 - A Committee member asked about the planned occupancy for the outdoor area, and Ms. Mwebaza indicated that they originally looked at having an expanded all-weather outdoor patio, but they are going to use the space Cusbah had, and it will hold about 20-23 people.
 - A Committee member asked if they would be amenable to doing something to mitigate the noise, since the space is next to residential houses and that can be a pain point. Ms. Mwebaza indicated that they want to close off the space so all the noise stays in the enclosure.
 - A Committee member stated that the Committee would want to sign a Settlement Agreement between the neighborhood and the establishment to set the expectations, including with respect to hours, noise and trash, and that the Committee will send a copy of the standard Settlement Agreement.
 - Mr. Dooling asked if there would be entertainment or music outdoors, and Ms. Mwebaza indicated only piped dining music.
 - Ms. Mwebaza also shared that they built an enclosure for the trashcans.
 - A Committee member followed-up on the live entertainment question, and it was noted that the standard is to restrict the hours on live entertainment outside, but not inside.
 - A Committee member asked whether this location will be extension of another restaurant, and Ms. Mwebaza indicated that she is the co-owner of Hakuna Matata Grill in Wheaton, Maryland. The Committee member asked about any citations at the other location, and Ms. Mwebaza indicated that she was not aware of any.
 - A Committee member asked about a security plan, and Ms. Mwebaza indicated that they plan to have security cameras at all angles and they may have security at the door on nights when there is a live band.
 - A Committee member asked about the placard hours for the outdoor space, which end at midnight (Sun - Wednesday), 1:00 am (Thursday) and 3:00 am

(Friday and Saturday), noting that they are latter than the other establishments. Ms. Mwebaza indicated that she would discuss a proposal for more limited hours with management.

- A Committee member suggested a trial period, in which the hours would not be limited to start, but if there are complaints during the trial period, then the hours would be revisited. The Committee member noted that no other settlement agreement has summer garden hours that go until 3:00 am, so that may be a sticking point with the ANC.
 - Mr. Dooling indicated that although he does not represent this Single Member District (SMD), he personally supports the idea of a trial period with the requested hours. The Committee member who suggested the trial period noted that this has been done for a few other businesses and it has worked out well.
 - A Committee member shared that a Google search surfaced a news article stating that Hakuna Matata Grill in Montgomery County was cited by alcohol beverage control there for serving alcohol after the allocated time and dancing. Ms. Mwebaza indicated that she is a part-owner there and she has not seen that article.
 - A Committee member suggested that the Committee do due diligence on this incident as part of the settlement agreement negotiations.
 - **Mr. Stanford moved that the ABL Committee recommend that ANC 6A protest the license application unless a settlement agreement is finalized prior to the protest deadline, and that the Chair and Vice Chair of the ABL Committee, as well as Committee member Kara Hughley, and the Chair and Co-Chair of the ANC represent the ANC in this matter. The motion was seconded and passed unanimously with a vote of 6-0.**
 - Co-Chair Hatoum explained to the applicant that the motion means that they would need to agree on terms and enter into a Settlement Agreement prior to the protest date. She indicated that she would be in contact after the meeting and will send a copy of the standard Settlement Agreement, and that the Committee would discuss with the applicant how to address the points that were raised, including the Hakuna Matata Grill incident. She also suggested that Ms. Mwebaza attend the May 2022 ANC 6A meeting in case any of the commissioners have questions.
- Discussion of application by Thompson Retail Food Group, LLC, t/a Milk & Honey Cafe at 1116 H St. NE (ABRA-119672) for renewal of its Class C Restaurant License.
 - Due to technical difficulties, Mr. Stanford moved, and the Committee approved with one abstention, that the discussion of Milk & Honey Café be tabled until the end of new business.
 - When the Committee returned to the discussion of Milk & Honey Café, the Committee Chair noted that Milk & Honey Cafe is not seeking any changes to its license and a settlement agreement was signed recently.
 - **Mr. Stanford moved that the ABL Committee recommend that ANC 6A send a letter of support for the license renewal application for Milk & Honey Cafe. Mr. Dooling seconded the motion and the motion passed unanimously with a vote of 6-0.**
 - Discussion of application by Happy Choongman, Inc., t/a Choongman Chicken and Seafood at 1125 H St. NE (ABRA-108755) for renewal of its Class C Restaurant License.

- Due to no representative from Choongman Chicken and Seafood being present when the Committee reached their agenda item, Mr. Stanford moved, and the Committee approved by unanimous consent, that the discussion of Choongman Chicken and Seafood be tabled until the end of new business.
- When the Committee returned to the discussion of Choongman Chicken and Seafood, Ms. Hatoum noted that even though no representative was present, the protest deadline will have passed by the next meeting, so the Committee should have some discussion about the application at this meeting. She also noted that one of the Committee members and one of the ANC Commissioners, in particular, have some concerns about this application.
- Mr. Dooling indicated that as he is not sure what the concerns are from the other Commissioner, so he would appreciate further discussion about this application at the May 2022 ANC 6A meeting, and that would be another opportunity for representatives of the applicant to show up.
- A Committee member noted that the invited representative did not show, so he would propose protesting the renewal application unless the settlement agreement is updated.
- A Committee member asked what the proposed updates to the Settlement Agreement would be. The Committee member indicated items relating to public safety near the establishment, adequate and working security cameras and generally getting on the record that the neighborhood has concerns about the activity there.
- Ms. Hatoum indicated that she is in favor of updating the Settlement Agreement, but she noted the need to be cautious about conflating what happens on the public street with the establishment, and the need to be mindful of holding them responsible for what they cannot control.
 - **Mr. Velasquez and Ms. Hatoum moved that the ABL Committee recommend that ANC 6A send a letter of opposition against the license renewal application unless an updated settlement agreement is in place prior to the ANC's consideration of the matter, and that the Chair and Vice Chair of the ABL Committee, as well as Committee member Velasquez, and the Chair and Co-Chair of the ANC represent the ANC in the negotiation of the settlement agreement. Mr. Stanford seconded the motion and the motion passed unanimously with a vote of 6-0.**
- Co-Chair Hatoum indicated that she would contact the establishment to make sure they are aware of what happened tonight.
- Commissioner Dooling thanked the Committee for their hard work and everything the Committee is doing for the community.

The meeting was adjourned at 8:15 pm.