

**Alcoholic Beverage Licensing Committee
ANC 6A
July 16, 2013**

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 July 16, 2013 at the Sherwood Recreation Center, 640 10th Street, NE Washington, DC 20002.

Committee Members Present: Jay Williams (Chair), Michael Herman, Adam Healy, Mary Cary Bradley, and Ann Marie Koshuta

Committee Members Absent: Roger Caruth, Christopher Seagle, Katy Thomas, and David Oberting

Commissioners Present: None

Community Members Present: Blair Zervos (H Street Country Club and Vendetta), Steve Hessler (H Street Festival), and Margaret Holwill

I. Call to Order

Jay Williams called the meeting to order at 7pm. The meeting having been duly convened, was ready to proceed with business with a quorum. Mr. Williams reviewed the agenda and asked if there were any additions or edits. There were none.

II. Community Comment

None.

III. Old Business

None.

IV. New Business

1. Discussion of requests by ANC 6A establishments for limited exemptions for certain provisions of their Settlement Agreements during H Street Festival.

Mr. Williams introduced the agenda item, explaining that at a previous ABL meeting, several businesses had complained that ABRA inspectors had cited them for violations of their Settlement Agreements during H Street Festival, when it didn’t make sense to enforce certain parts of their Agreements, such as music on the patio. Mr. Williams solicited requests and received three.

1. Vendetta and H Street Country Club requests to allow prerecorded music on their deck/patio during H Street Festival.

- Mr. Zervos stated that he was requesting the ability to play music on the patios, deck, and rooftop deck of Vendetta and H Street Country Club. He noted that he was willing to tailor the language in such a way to limit the noise coming from the speakers and/or the size of the speakers used.

- Mr. Herman raised the question of precedent, stating that next year someone might want to do this who isn't as good an actor as HSCC or Vendetta. He noted there had been issues in the past with loud music on patios, and people complaining of vulgar language.
- It was noted that the Festival organizers had drawn up guidelines for participants to use amplified music.
- Mr. Hessler introduced himself as present at the meeting at the request of Anwar Saleem and Roger Caruth, for the Festival's organizers.
- Mr. Hessler stated that last year there were regulations for vendors, merchants, restaurants, and patio participants. They were drafted because of issues with one establishment that refused to cooperate. The regulations were incorporated into an application for all participants that they must agree to. H Street Country Club and Vendetta would be subject to those regulations.
- The H Street Festival regulations were developed with the assistance of New Orleans event organizers and incorporated noise control and disorderly conduct laws from DC. Currently the regulations have sections about noise and quiet enjoyment, disorderly and offensive conduct, limitations on patios and tents, and penalties and enforcement provisions.
- Mr. Hessler explained that the regulations included language that establishments could not play music that competes with the performance stages. If an establishment violates a rule, they would receive a warning from the Committee, then ABRA, then MPD, then the Festival Committee could pull the plug on that establishment, and potentially reject the establishment's application next year.
- Mr. Hessler described the various acts and performances on/around the 1300 block of H Street NE, noting that Vendetta would be near the Baltimore Rock Opera Society, which would be generating a lot of sound.
- Ms. Koshuta suggested that the language apply to the establishments' front patio along H Street.
- Ms. Bradley suggested tailoring the language to require compliance with the H Street Festival rules.
- Ms. Koshuta asked if there is a risk of having bad actors interested in similar exemptions, why consider any exemptions? Mr. Healy noted that these could be dealt with on a case-by-case basis.
- Mr. Herman suggested this might be a good test case for allowing limited music on rooftop decks.
- The Committee asked if the Festival organizers would be willing to share information on any establishments who violated regulations this year. Mr. Hessler said the organizers would likely be willing to provide this information, but he would need to check.
- Mr. Hessler noted he was interested in maintaining "audio integrity" of the performance stages.

- During discussion of the language of the motion, Mr. Healy suggested that Mr. Williams consult with ABRA counsel to see if a reference to H Street Festival rules would be acceptable to the Board. Mr. Williams agreed to do so.

Mr. Williams moved/seconded by Ms. Koshuta that the Committee recommend the ANC grant a limited exemption to Section 1(b) and (c) of the November 17, 2009 Addendum, and Section 1 of the April 12, 2012 Addendum to the H Street Country Club Settlement Agreement, and that such exemption apply only from 12:00pm to 7:00pm on Saturday, September 21, 2013, provided that H Street Country Club agrees to comply with the rules and regulations set by the H Street Festival; and that the Committee recommend the ANC grant a limited exemption to Section 2 of the May 28, 2007 Addendum to the Vendetta Settlement Agreement (previously known as the Red and Black), and that such exemption apply only from 12pm to 7pm on Saturday, September 21, 2013, provided that Vendetta agrees to comply with the rules and regulations set by the H Street Festival. Motion carried 5-0.

2. Khan's request to keep patio open until 3am on night of H Street Festival.

- Mr. Williams explained that he had received a request from Khan's to keep its public space patio open until 3am the night of the Festival. Nobody from Khan's was in attendance.
- Mr. Hessler noted that the festival ends at 7pm, and there is a breakdown/cleanup time until about 8:30 or 9pm.
- Mr. Healy said there would be a lot of noise emanating from H Street all day during the Festival, and that neighbors wouldn't be happy with additional noise until 3am.
- Mr. Herman said that things seem to slow down at the end of the festival. Mr. Zervos agreed, stating that the amount of money made between 1am and 3am that night would be negligible and not worth the hassle.
- There being no motions offered on this request, Mr. Williams determined the issue closed.

V. Adjourn

Mr. Williams thanked all who attended the meeting, and the Committee for its continued service. The Committee adjourned at 8pm.