

Minutes
Alcoholic Beverage Licensing (ABL) Committee
Advisory Neighborhood Commission (ANC) 6A
July 21, 2015

Pursuant to notice duly given, a meeting of the Alcoholic Beverage Licensing Committee (“Committee”) of ANC 6A was held commencing at 7:00 pm on June 16, 2015 at Sherwood Recreation Center, 640 Tenth (10th) Street NE, Washington, DC 20002.

Committee Members Present: Jay Williams (Co-Chair), Michael Herman, David Oberting, Roger Caruth, and Justin Rzepka.

Committee Members Absent: Christopher Seagle (Co-Chair).

Commissioners Present: None.

Community Members Present: Ashlee Lawal (Managing Partner, Kitty’s Saloon), Jeff Jackson (Da Luft), Tobi Solaja (Da Luft), Jordan Washington, Victor McCoy, Rafael Martin.

I. Call to Order

Mr. Williams called the meeting to order at 7:05 pm. The meeting having been duly convened was ready to proceed with business with a quorum. There were no additions or edits to the agenda as published.

II. Community Comment

None.

III. Old Business

- Mr. Williams provided updates on the ongoing protests of certain establishments.
 - The ANC is still speaking with Touché regarding a potential settlement agreement. The protest hearing is scheduled for October 14, 2015.
 - Mr. Williams stated that he was confident a settlement agreement would be reached with Jumbo Liquors, but the terms were still being negotiated.

IV. New Business

A. Discussion of planned summer garden by Kitty’s Saloon at 1208 H Street NE (License No. ABRA-088675).

- Mr. Williams introduced Ms. Lawal, a managing partner for Kitty’s Saloon, to present on the establishment’s expansion plans.
- Ms. Lawal stated that the next phase of the establishment is to build out the second floor and include seating both upstairs and on an outdoor deck.
- The second floor deck would attach to the first floor outdoor space via staircase. Ms. Lawal stated that the look of the outdoor space would be similar to the Queen Vic.
- The establishment is currently awaiting an approved occupancy load for the second floor.
- Mr. Williams noted that the current settlement agreement states that music would not be allowed outside. Ms. Lawal stated that there were no plans for entertainment on the second floor deck. Entertainment would all be acoustic and would be indoors.
- Ms. Lawal stated that seating on the deck would be limited to five to ten (5-10) seats, and the deck would be enclosed.

- Mr. Oberting asked if food would be served on the deck. Ms. Lawal stated that there would be hightop tables, where patrons could have drinks and food. There would not be a bar on the deck, so servers would bring food and drink from inside.
- Mr. Williams asked for more details regarding the enclosure of the deck. Ms. Lawal stated that the first floor deck is currently enclosed by wood, and the second would be enclosed by wood and hopefully eventually a retractable roof.
- Mr. Oberting asked what hours the establishment planned to have on its deck. Ms. Lawal stated they would close by 12.00 am on Fridays and Saturdays and 11:00 pm on weeknights.
- Mr. Williams asked what entertainment hours the establishment would seek. Ms. Lawal stated they would seek entertainment for just the second floor and would seek the same hours as the outdoor space.

Mr. Williams moved/Mr. Oberting seconded that the ANC support the request by Kitty's Saloon to seek a summer garden and entertainment endorsement, provided the hours reflected on such endorsement line up with the hours discussed at the meeting (ending 11:00 pm on weeknights, and 12:00 am on weekends), and support a stipulated endorsement. The motion carried 5-0.

B. Discussion of request by Da Luft at 1242 H Street NE (License No. ABRA-087780) for a change from a Restaurant to a Tavern license.

- Mr. Williams introduced Mr. Jackson, who presented on behalf of Da Luft. Ms. Solaja also provided information.
- Mr. Jackson explained that the only difference in Da Luft's operation if they make the license change is that they will not have to submit quarterly reports to the Alcoholic Beverage Regulation Administration (ABRA).
- Mr. Jackson stated that the establishment initially expected more food business than it actually got, and food sales have decreased.
- Mr. Oberting asked if Da Luft can and will still serve as much food as they want. Mr. Jackson said yes.
- Mr. Williams asked about a recent incident at the establishment that involved the Chief of Police shutting Da Luft down for a period of time. Mr. Jackson stated that the establishment reached a settlement with ABRA, hired a security trainer/manager to train staff. According to Mr. Jackson, there was a violent incident inside the establishment and security intervened at the time.
- Mr. Rzepka asked if the incident was between two patrons. Mr. Jackson said it was, and seemed to be a "domestic" incident. An individual was cut with an unknown object.
- Mr. Jackson stated that Da Luft was using a security company prior to the incident, but they hired a different company afterward.
- Mr. Williams stated that there were serious allegations that employees did not cooperate with the investigation. Ms. Solaja stated that employees did cooperate, and the only thing that was missing was an immediate sharing of security video recordings, which were turned over within twenty-four (24) hours.
- Mr. McCoy asked about multiple allegations being made against the establishment from that night. Mr. Williams explained that multiple violations were alleged, but the offer in compromise with the board appeared to have resolved those allegations.

- Mr. Herman asked if Da Luft had been meeting the CR food sales requirements. Ms. Solaja stated that they had, but the sales were declining.
- Mr. Williams stated that he had heard complaints from neighbors attributing noise issues to patrons coming out of Da Luft. Ms. Solaja stated that security monitors patrons leaving the establishment, and to the extent there is any noise it's usually briefly around 2:30 am or 3:00 am when people are leaving. Ms. Solaja stated that they have never received a noise violation from ABRA.
- Mr. Martin asked how people know that noise is coming from patrons of Da Luft. Mr. Williams acknowledged that people could not know conclusively, but neighbors did state that things were quieter during the times that Da Luft was shut down by the Chief of Police.
- Mr. Oberting stated that he believed a protest of this license change would not go anywhere.
- Mr. Herman referenced previous discussions in ANC 6A regarding CR vs. CT licenses. Mr. Williams gave a brief overview of the history of those discussions.
- Mr. Rzepka asked if a CT license meant there was no requirement to serve food. Mr. Jackson stated that they still must serve food, but they would no longer have a minimum amount. Ms. Solaja said they plan to continue selling food at all times.
- Mr. Rzepka asked if the ANC would have fought a CT license if that was what Da Luft sought initially when it opened. Mr. Williams stated they may have, but it was difficult to say.
- Mr. Oberting asked if a protest would provide leverage for raising noise complaints. Mr. Williams said it could. Mr. Oberting stated he believed noise complaints should be raised with ABRA.
- Mr. Martin asked if Da Luft uses third party promoters. Ms. Solaja said they do, but they do not turn over control of the establishment to promoters.
- Mr. Martin asked if the people who had raised noise complaints were aware of this Committee meeting. Mr. Williams said yes, but that one person who raised complaints said he was unable to make it to the meeting.

Mr. Williams moved/Mr. Rzepka seconded that the ANC protest the request by Da Luft to change its license from a Restaurant to a Tavern. The motion failed 1-3-1.

V. Adjourn

The Committee adjourned at 7:55 pm.