

**ANC 6A ABL Committee
December 15, 2009
Minutes**

Meeting called to order at 7:07 pm

Committee members present: Mary Beatty (6A05); Anne Marie Koshuta; Michael Herman, Jaki Downs (joined by Commissioners Kelvin Robinson and Raphael Marshall)
Committee members absent: Jeremy Marcus; Richard Sundberg; Tish Olshelki

Commissioners: Kelvin Robinson (6A08); Raphael Marshall (6A01); Gladys Mack (6A07)

Community: Scott Hamilton (The Liberty Tree); Josh Hopkins (EDM); Aaron McGovern (Biergarten Haus) ; Coralie Farlee (ANC6D ABC Chair); Kevin Lee, Allison Hamilton; Graig Glufling; Anna McGorman; Jason Huber; Andrew Kline; Chris Willoughby; Annie Lee; Emily Kuiken; Jeff Augello; Brooke Augello; Rev Rudy McCoy; Adam Healy; Mark Busby; Ben Gerrard; Joseph Brady; Casey Good; Ogawa; Yumiko Nakano

I. Housekeeping

- a. **Agenda** - Motion to accept agenda. No objections.
- b. **Minutes** - Motion to accept minutes. No objections.

II. Community Comment.

III. Discussion/Updates

1. ABL Recommendations

- a. Chair Beatty explained that the ANC approved the ABL Committee's recommendation to not issue a stipulated license to Liberty Tree based upon the timing of the request.
- b. The ABL Committee recommendation to protest the significant change application of H Street Country Club for a rooftop venue unless a VA was signed before the Petition Date was approved by the ANC, but Ms. Beatty added that the VA had been signed prior to that Petition Date.
- c. The ANC approved the new language regarding valet parking and noise mitigation in outdoor venues which was recommended by the Committee.

2. ANC Recommendations

- a. Based upon a ABRA Petition Date of January 4, and the significant community opposition to the outdoor venue proposed by Liberty Tree, the ANC passed a motion to protest Liberty Tree's application for a CT license. The motion also provided that Mary Beatty or Raphael Marshall could negotiate a voluntary agreement to drop the protest.

IV. New Business

- a. **Liberty Tree on H Street (1016 H Street NE)** - Scott Hamilton - Brick oven pizza and some seafood. 30 or 40 seats inside, summer garden next door looking to open up. Though he will be requesting CT license he states that the location will be used as restaurant. He stated that he will not stay open until 2-3AM, but will close around 12PM. He originally proposed 144 seats, but has reduced the number to 64. He states

that he will have no music, and will not seek an entertainment endorsement. To mitigate noise he will have a 6-8' wooden fence, plants and a fountain. He was asked by Commissioner Marshall whether he had the support of neighboring residents. He responded that "we are here to find out." In response to a question he showed drawings about the reduced seating and stated the outdoor area will have stamped concrete or gravel for flooring. For rodent control he will use standard pest control techniques employed by pest control service. Commissioner Marshall stated that he saw people working inside his building after a stop work order was issued. Several abutting neighbors discussed the lack of separation between the outdoor area and their properties. They expressed concerns about noise, rodents and hours past 12AM. A neighbor stated that she opposed selling liquor in this location. The Chair noted that the prior owner, Tropicana, served liquor at the same location. Another nearby resident, Paul Walker stated that he wants a restaurant like Liberty Tree to come to this location. Another stated that he prefers an active business versus a vacant property. The Reverend Rudolph McCoy said that he came expecting to be fighting on this, but after hearing Scott Hamilton's willingness to work with the community that he feels that problems can be negotiated. Scott Hamilton stated that thought this location will be operated as a restaurant that he filed for a tavern license due to financial reporting for a CR. He stated that he is open to negotiating a VA that responds to neighborhood concerns. Chair Beatty then explained to audience and Committee that since the ANC had already protested that we would not make a motion but begin the negotiation of concerns in VA.

b. 1101 Convenience-1101 H Street

Kevin Lee spoke on behalf of this client, owner of 1101 Convenience, holder of a Class B license. Mr. Lee explained that the owner had taken over the business two years ago, and wasn't aware until recently that he had a voluntary agreement. The agreement that was filed by the ANC around 2001 was melded with a VA that was signed with Robert Pittman on behalf of a group of five protestors. ABRA issued an Order which blended the two VA's. Mr. Lee wants the ANC to use their standard voluntary agreement and withdraw the outdated VA. Chair Beatty explained that she had contacted Fred Moosally, Director of ABRA and that he said there would be no prohibition of asking for the "replacement" VA.

Recommendation: That ANC6A replace the outdated VA with the current standard VA and negotiate a change in hours before submitting to ABRA.

c. Chow-1110 H Street

Andrew Kline appeared on behalf of client, applicant for a restaurant (CT license) at 1110 H St. The owner has a restaurant at 2017 14th street called Jin. The restaurant at H will be a Asian restaurant. They want a summer garden in the rear. Will have a cinder block wall in rear and a garage behind that. Wants to have live music, inside. The interior has 97 seats. The building is currently vacant. To mitigate noise will not have music outdoors and will use plants. No negative comments from community or committee members.

Recommendation: ANC6A protest if don't have signed VA prior to January 4 Petition Date.

d. Biergarten Haus 1355/1357A H Street

Aaron McGovern, applicant for an outdoor venue at 1355 H Street described his plans for an open air beer hall. He will also have a carryout business at 1357A. He states that he will sell more food than alcohol (traditional German fare), but applied for a CT license. He will have 70 seats, 2 floors inside and a large summer garden. His location sits between the Rock & Roll Hotel and another business, so is enclosed by walls on two sides. He stated that in order to increase sound mitigation he will add trees and will add a wall in the rear of the building. He will seek an entertainment endorsement, wants an accordion player inside, and pre-recorded polka music in the outdoor area. There are 120 seats outside. He will have 4000 square foot area outside. He will develop a security plan and help support the current off duty police detail on H.

Since he had not filed the application, the ABL Committee did not take any action and requested that he return after filing.

Meeting was adjourned around 8:30 pm