

Minutes
Alcoholic Beverage Licensing (ABL) Committee
Advisory Neighborhood Commission (ANC) 6A
December 16, 2014

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 December 16, 2014 at Sherwood Recreation Center, 640 Tenth (10th) Street NE, Washington, DC 20002.

Committee Members Present: Jay Williams (Co-Chair), Christopher Seagle (Co-Chair), Adam Healy, David Oberting, and Michael Herman.

Committee Members Absent: Roger Caruth.

Commissioners Present: None.

Community Members Present: David Holmes, Steve Chung (1101 Convenience Mart), Brittany Urse (Copycat Co), Devin Gong (Copycat Co), Mark Busby, and June Wilson.

I. Call to Order

Mr. Williams called the meeting to order at 7:05. 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 announced that the ANC had recently approved Mr. Seagle to serve as Co-Chair for the Committee, and that he was looking forward to working with Mr. Seagle moving forward.

Mr. Williams also provided updates on negotiations with Cusbah and Rock and Roll Hotel. The ANC reached an agreement with Rock and Roll Hotel that was identical to the agreement it reached with H Street Country Club, so Rock and Roll Hotel is no longer requesting termination of its Settlement Agreement. The ANC was also close to an agreement with Cusbah with respect to the ANC’s protest of its license due to its late sidewalk café hours. Mr. Williams noted that a compromise was unlikely to be perfect, but that it was an acceptable agreement considering the circumstances.

IV. New Business

A. Discussion of Class C Tavern license renewal for Lattice Partners LLC t/a Copycat Co. at 1110 H Street NE (ABRA # 096474).

- Mr. Williams introduced Mr. Gong, who is an owner of Copycat Co. Before turning the floor over to Mr. Gong, Mr. Williams noted that the ABRA placard contained an error for this establishment, because it omitted an existing summer garden endorsement.
- Mr. Gong stated that he has experience in the area, including from working at Napa 1015 (now Atlas Room), and has also worked at Ping Pong Dim Sum, Founding Farmers, and Barmini.
- The concept for the establishment is Chinese street food, including potstickers, skewers, and other foods, and a cocktail bar upstairs.
- Mr. Gong stated that there are plans for a summer garden in the back of the establishment. There is currently a half-enclosed garage, which he will completely

enclose with a retractable roof, with the goal of completely sealing in noise. All seating will be underneath the garage. Mr. Gong noted that he lives in the neighborhood and is sensitive to noise concerns.

- Mr. Seagle asked what backs up to the property. Mr. Gong responded that there is an H-shaped alleyway in the back, so the rear does not directly face residences. He estimated that the closest house was about thirty (30) feet away.
- Mr. Williams asked if Mr. Gong had any plans for a rooftop deck or sidewalk café, and Mr. Gong said he did not.
- Mr. Seagle inquired about the time frame for enclosing the back patio and opening it for business, and Mr. Gong stated that he hoped to begin work in March and open the patio in late June or early July.
- Mr. Herman asked what the occupancy was for the interior. Mr. Gong responded that it is seventy-eight (78).
- Mr. Oberting asked if the summer garden would be heated, and Mr. Gong said that it would.
- Mr. Busby asked what the expected occupancy was for the summer garden, and Mr. Gong stated that it would be twenty-five (25).
- Mr. Gong stated that he had no plans for entertainment on the patio, and Mr. Williams noted that the ANC typically requires that no entertainment or pre-recorded music be allowed on the patio.
- Ms. Wilson asked about whether the ANC made efforts to restrict noise coming from televisions on patios, and Mr. Williams noted that was something the ANC should consider.

Mr. Williams moved/Mr. Seagle seconded that the ANC protest the Class C Tavern license renewal for Lattice Partners LLC t/a Copycat Co. at 1110 H Street NE (ABRA # 096474) unless a signed settlement agreement is submitted prior to the protest date. Motion carried 5-0.

B. Discussion of request by 1101 Convenience Mart for an exemption from the Ward 6 Singles Ban.

- Mr. Chung presented on behalf of 1101 Convenience Mart, stating that he was making the request because his clientele had changed and he wanted to sell large-format single craft beers. He also noted that nearby establishments were selling single beers and that he was losing business to them.
- Mr. Oberting stated he was not familiar with the other establishment, and Mr. Williams noted that if another establishment was selling singles, they were likely in violation of the Ward 6 singles ban.
- Mr. Oberting asked the other Committee members what locations in the District had a singles ban. Mr. Healy and Mr. Seagle stated the ban existed in Ward 4, Ward 6, and certain Ward 2 ANCs.
- Mr. Healy stated that the only exemption ANC 6A has ever supported was a store on Benning Road, which was located directly across the street from Ward 5 (which does not have a ban).
- Mr. Williams stated that a competitor selling singles was an issue for the ABC Board and ABRA to investigate.
- Mr. Oberting asked whether there was still a case for a singles ban in Ward 6. Mr. Busby stated that there are regularly individuals loitering outside of 1101 Convenience Mart, and there are regular issues with public drinking and

intoxication. Mr. Oberting asked if these were regular disturbances, and Mr. Busby said that they were.

- Mr. Williams noted that he had heard from the incoming Commissioner for the SMD covering 1101 Convenience Mart, and he was opposed to an exemption from single sales.
- Mr. Williams stated he understood concerns about losing potential business, but that there were still serious problems with public intoxication and disorderly conduct.
- Mr. Holmes stated that setting a price point for single sales, rather than an outright ban, could be discriminatory.
- Mr. Oberting stated that he took a “libertarian” position that single sales should be allowed.
- Mr. Williams noted that the ANC has three options: 1) Do nothing and let the ABC Board decide on its own; 2) Oppose the request and participate in the ABC Board’s hearing on the request; 3) Support the request before the ABC Board, which would likely mean the ABC Board would approve it.
- Mr. Oberting stated he supported option 1.
- Mr. Healy stated he supported option 2, because the ANC has a long track record of opposing these requests, and the one exemption it supported was a specific case. Given the public drinking and urination that regularly takes place in that area, Mr. Healy stated it would be dangerous to allow for more single sales.
- Mr. Seagle stated that he did not think the area was at the point where singles sales should be allowed.
- Mr. Holmes agreed with Mr. Seagle and stated that he believed the singles sales ban was the biggest factor in the revitalization of the H Street corridor. According to Mr. Holmes, prior to the ban the conditions were “horrific.” Mr. Holmes stated that he believed the day would come when the ban was no longer necessary, but the neighborhood is not there yet.

Mr. Healy moved/Mr. Seagle seconded that the ANC oppose the request by 1101 Convenience Mart for an exemption from the Ward 6 singles ban. Motion carried 3-2.

V. Adjourn

The Committee adjourned at 7:41 pm.