

**Minutes**  
**Alcoholic Beverage Licensing (ABL) Committee**  
**Advisory Neighborhood Commission (ANC) 6A**  
**December 15, 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 December 15, 2015 at Sherwood Recreation Center, 640 Tenth (10<sup>th</sup>) Street NE, Washington, DC 20002.

**Committee Members Present:** Jay Williams (Co-Chair), Christopher Seagle (Co-Chair), Michael Herman, Roger Caruth, and Mark Samburg.

**Committee Members Absent:** Michael Herman, Justin Rzepka, and David Oberting.

**Commissioners Present:** None.

**Community Members Present:** Michael Rosato (Rosato LLC), Sam Adkins (Sally's Middle Name), Jenohn Diaz (Mia's Coffeehouse), Eddie Miguez (Ocopa), Mike Whatley (DisrictCuisine.com), Yolanda Woodward (Cooper & Crickman, representing Ocopa), Brian Alcorn, Stephen Whelan (Veritas Law Firm, representing Sally's Middle Name).

**I. Call to Order**

Mr. Williams called the meeting to order at 7:10 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**

**A. Discussion of request by Ocopa at 1324 H Street NE (License No. ABRA-088102) for an Entertainment Endorsement.**

- Mr. Williams noted that this issue came up in the previous ABL meeting, and the concern that was raised was how they planned to have entertainment/dancing in the space. He explained that he felt that it likely would not be a problem, but that he wanted to hear from the owners regarding what their plans were. Mr. Williams note that the ANC had agreed and approved a protest. He noted that Mr. Miguez, the owner of Ocopa, was present to discuss the establishment's plans.
- Mr. Miguez explained that they planned to host Latin dancing certain nights with Latin music and DJs.
- Ms. Woodward, who was present on behalf of Mr. Miguez' attorneys, stated that the music would not be played on the patio. The patio would only be used for dining.
- Mr. Seagle stated that the biggest concern was to make sure that no noise would be heard by nearby neighbors.
- Mr. Williams reviewed the provisions in Ocopa's current Settlement Agreement (SA), limiting outdoor space hours and use of music on the patio.
- Mr. Miguez stated that he might want to expand his patio hours, and Mr. Williams stated that if he was interested in doing so, he should submit such a request and discuss with the ANC in the future. Mr. Miguez agreed to do so.

Mr. Williams moved/seconded by Mr. Seagle that the ANC withdraw its request of the protest regarding Ocopa's request for an Entertainment Endorsement. The motion passed 4-0.

**B. Update on status of request by Sol Mexican Grill at 1251 H Street NE (License No. ABRA-092192) for an extension of hours for operation, alcoholic beverage sales and consumption, and live entertainment.**

- Mr. Williams reported that the ANC had agreed to protest Sol's request until Sol could present an adequate trash management plan that would take care of the issues raised by neighbors at the November 2015 ABL meeting.

**IV. New Business**

**A. Discussion of request by Steak Ice 1310 H, LLC, t/a Sally's Middle Name at 1320 H Street NE (License No. ABRA-097355) for (1) expansion of existing premises by 60 seats on second floor; (2) addition of summer garden endorsement with 22 seats; and (3) class change from a "D" Restaurant to a "C" Restaurant.**

- Mr. Williams noted that Sally's Middle Name already had a Settlement Agreement (SA) in place, which was reached when the establishment was the cheesesteak shop owned by the team behind Taylor Gourmet. Ownership of the location had changed and was now Sally's Middle Name. The licensee was not expanding the capacity of its premises, adding a summer garden, and changing to a Class C Restaurant.
- Mr. Adkins and Mr. Whelan presented on behalf of Sally's Middle Name.
- Mr. Adkins stated that the second floor used to be offices for Taylor Gourmet, and is currently a boutique shop. Their plan is to move the restaurant into the second floor area and also use a patio out back to serve food and drinks. The intention for converting to a Class C license is to be able to serve cocktails.
- Mr. Adkins stated that they did not plan to change their hours much, and would still be a food-focused restaurant. Mr. Adkins reported that currently their sales were approximately seventy-five percent (75%) food.
- Mr. Adkins and Mr. Whelan distributed plans for the expansion.
- Mr. Williams asked where the patio was located, and Mr. Adkins stated that it is located in the rear on the second (2<sup>nd</sup>) floor.
- Mr. Williams asked if the establishment had noise mitigation plans. Mr. Adkins stated that there were plants used to mitigate noise, and the structure itself was built to keep noise from getting out.
- Mr. Caruth asked Mr. Adkins if they planned to continue selling clothing on the second (2<sup>nd</sup>) floor, and Mr. Adkins said they would not.
- Mr. Seagle asked Mr. Adkins and Mr. Whelan if the establishment would be willing to agree to the ANC's standard noise mitigation language related to outdoor space. Mr. Adkins said they would be willing to discuss and asked what the provisions were. Mr. Seagle reported the standard language from the ANC Settlement Agreement.
- Mr. Williams stated that he did not have any objections to the outdoor space hours, since the patio is located on private space, is not a rooftop deck, and is well removed from the closest residence.
- Mr. Samburg asked some clarifying questions about how the structure in the back was laid out, to which Mr. Adkins responded.

Mr. Williams moved/Mr. Seagle seconded that the ANC protest the request by Sally's Middle Name for a Substantial Change to its license unless the ANC and Sally's Middle Name can reach a Settlement Agreement amendment that includes language related to noise mitigation on the establishment's outdoor space. The motion passed 4-0.

**B. Discussion of license application for Rosato, LLC t/a Sospeso at 1344 H Street NE (License No. ABRA100766) (Class "C" Tavern).**

- Mr. Williams introduced Mr. Rosato, who was present on behalf of the establishment.
- Mr. Rosato stated that the plan for the establishment is Mediterranean-influenced dining which would be open at 7:00 am every day, and also serve food late night. There will be a bar downstairs with the kitchen upstairs. Full dinner tables would be located downstairs, with some seating upstairs.
- Mr. Seagle asked if they planned on having patio or outdoor seating. Mr. Rosato stated that they eventually wanted to have outdoor seating on the second floor, but were still working through DCRA permitting issues. Mr. Rosato stated that he submitted the endorsement request to have that ready to go when they finally get their permits ironed out.
- Mr. Williams asked what the establishment's plans were for daytime alcohol service. Mr. Rosato said he did not expect to serve much during the day, aside from mimosas and the like at brunch and some lunch alcohol service as well.
- Mr. Williams asked Mr. Rosato if he had previous restaurant/bar experience. Mr. Rosato stated that he is currently the General Manager (GM) of Sotto on Fourteenth (14<sup>th</sup>) Street NW, and has been in the DC market as a bartender, barista, manager, etc. for more than 14 years.
- Mr. Williams asked Mr. Rosato if he was willing to work out a Settlement Agreement (SA) with the ANC. Mr. Rosato said he would, and that he had no plans for music on the patio, so he would be willing to agree to language to that effect.
- Mr. Williams asked Mr. Rosato when he hoped to open and Mr. Rosato said he hoped to open in May 2016.

Mr. Seagle moved/Mr. Herman seconded that the ANC protest the license application for Rosato, LLC t/a Sospeso unless a signed Settlement Agreement is submitted prior to the protest date. The motion passed 4-0.

**C. Discussion of license application for Mia's Coffeeshouse at 101 Fifteenth (15<sup>th</sup>) Street NE (License No. TBD).**

- Mr. Williams explained that Mia's is a coffeeshouse located at Fifteenth (15<sup>th</sup>) and A Streets NE in a residential neighbourhood. They have been open since July 2015, and are interested in expanding their offerings to include beer and wine, and possibly other beverages.
- Ms. Diaz was present on behalf of the establishment. She explained that they were still sorting out the process with the Alcoholic Beverage Regulation Administration (ABRA), but were hoping to do more brunch-type service and also add beverages to their existing Friday/Saturday taco nights. The hope would be to serve margaritas/mimosas in addition to beer and wine.
- Ms. Diaz stated that they planned to have their hours expand in summer months until 9:00 pm on weekdays, and 10:00 pm on weekends.
- Mr. Seagle asked what type of license they were planning on obtaining, and Ms. Diaz said CR.

- Mr. Williams asked Ms. Diaz for the status of their sidewalk café application. Ms. Diaz stated that the District Department of Transportation (DDOT) lost their previous application, and when they reapplied that application was also lost. They are planning to deal with those issues after the holidays.
- Mr. Williams asked if they planned on serving drinks on the patio. Ms. Diaz said that they planned to allow customers to take purchased beverages outside onto the patio.
- Mr. Caruth recommended that Ms. Diaz study the types of licenses closely, as there could be difficulty meeting the required food threshold for a restaurant license.
- Mr. Seagle asked how close the nearest neighbor is. Ms. Diaz said there is a house immediately next door and an apartment unit above the establishment. Mr. Seagle asked if they had discussed their patio plans with the closest neighbor, and Ms. Diaz said they had not yet.
- Mr. Alcorn noted that the sidewalk café application covered the area on the Fifteenth (15<sup>th</sup>) Street side, so it would come up to the property line with 105 Fifteenth (15<sup>th</sup>) Street NE.
- Mr. Williams asked if the establishment had ironed out its Certificate of Occupancy issues with the Department of Consumer and Regulatory Affairs (DCRA). Ms. Diaz stated that they had been told there was no minimum/maximum capacity, and the Board of Zoning stated that they were fine as long as they were not exceeding a capacity of fifty (50) people. Ms. Diaz stated that the plan was to keep the limit to forty (40) people. Ms. Diaz stated that they were having difficulty getting straight answers from the zoning board.
- Mr. Alcorn stated that he is a neighbor who lives across the street. He noted that the neighbors are very engaged in issues relating to the block, including recent zoning issues. He stated that neighbors made a conscious decision that the neighborhood should be representing of primary zoning, which is R-4. Mr. Alcorn acknowledged that Mia's has had challenges dealing with inconsistencies from the city, but also believes that other potential owners turned down the space when it was available because they recognized certain zoning challenges. Mr. Alcorn stated that he wanted the ANC to ensure that current zoning allowed for the establishment's plans with ABRA. The prior business, a corner store, had a retail off-premises license, and other area establishments with liquor licenses are classified as delicatessens/carry-outs, not restaurants/taverns.
- Mr. Williams noted that Mia's was in the early stages of applying for a license, so he felt the conversation should continue to a future meeting. The Committee agreed, and no action was taken.

## V. Adjourn

The Committee adjourned at 7:59 pm.