



Capitol Hill / Southeast

Alcohol Beverage Control Committee Meeting

REPORT

February 6, 2020

Commissioners: Jayaraman (Chair); Ready; Oldenburg; Sroufe; Holtzman
Resident Members: Szafran; Palace

1. Renewal Application

- A. ABRA-107131: 514 Partners, LLC, t/a Tortuga Caribbean Bar & Grille, 514 8th Street SE; Request for Substantial Change to add an Entertainment Endorsement with Cover Charge inside the premises only; Applicant: Tom Johnson, tom@hillrestaurantgroup.com; Petition Deadline: 03/02/2020 [6B04]

Applicant would like to add happy hour entertainment until dinner time, Caribbean style like Jimmy Buffet acoustic music. Trying to add more ambiance to bring more customers in a highly competitive market and an area with little lunch business

Has taken steps to minimize disturbing neighbors such as installing back windows where there was an opening and sealed it. They have had no reported issues at their other locations and don't expect any at this one.

Knew of neighbor concerns with another establishment and stated that they should not be penalized for the bad actions of others

Neighbors Questions & Comments:

Why outside and not just inside. They are the one of two establishments with a rooftop deck and it fits with the theme of the restaurant and ABRA considers a summer garden as part of the interior

Szafran: Band music was an issue with the previous owner. Current owner stated that he has a decibel meter in place and monitors it regularly to ensure that the music is not too loud

Neighbors asked what the limits were that could be included in an SA. Hours of Operation, Hours of Sales, Service and Consumption of alcohol which can vary from outside to inside, Hours of Entertainment

Oldenburg stated what was listed on the substantial change application. Neighbors want much shorter hours for entertainment and certainly on the deck

Applicant was open to reducing hours of entertainment on the summer garden deck. The committee also wanted the applicant to drop the cover charge endorsement.

The Committee with the neighbors agreed to the following:

1. Support the entertainment endorsement with no cover charge
2. Hours of Entertainment:
 - Summer Garden: Monday through Sunday 3:00 pm to 8:30 pm
 - Interior: Monday through Friday 3:00 PM to 12:00 Midnight;
 - Saturday and Sunday 11:00 AM to 12:00 Midnight
3. Add the Notice to Cure section to the existing SA
4. Modify noise language from "proximity" to "beyond the curbside"



Motion: Recommend to the full ANC that the Commission support the substantial change application to add an entertainment endorsement without a cover charge and limited hours. The motion to support was conditioned on the receipt of a signed Amendment to the existing SA. (Oldenburg; Holtzman) Pass 7-0

- B. ABRA-107078: 713 Partners, LLC, t/a Finn McCool's, 713 8th Street, SE; Request for Substantial Change for Class Change from a Retailer Class "C" Restaurant to a Retailer Class "C" Tavern; Applicant: Tom Johnson, tom@hillrestaurantgroup.com; Petition Deadline: 03/02/2020 [6B03]r

Applicant stated that the request was because they are unable to meet the 45% food sales threshold required of restaurants. The percentage is based on total sales so the greater the sale of alcohol, the larger the amount of food sales that are required. They have tried a variety of strategies to increase food sales and they were fined last year with a \$1,000 fine for not meeting the requirement. They fear that they will be hit with a much greater fine and those fines will continue to increase which may force them to close or sell the business.

Currently, the establishment can meet a 35% food threshold. The Chair stated that one option was to follow the precedence ANC 6B set with their sister restaurant, now closed, Orchid. For that establishment, ANC 6B granted the conversion of a restaurant license to a tavern license but require the establishment to keep in place a full service kitchen and established a lower but reachable threshold for food sales. Cmmr. Ready supported the idea

Motion: Recommend to the full ANC that the Commission support the substantial change application to convert the license from a Class "CR" Restaurant License to a Class "CT" Tavern License with the same conditions as those included in the SA for the other establishment. The motion to support was conditioned on the receipt of a signed Amendment to the existing SA. (Ready; Szafran) Pass 5-0