



Alcohol Beverage Control Committee Meeting
Hill Center at the Old Naval Hospital
Fragers Conference Room, 3rd Floor
October 4, 2018, 7:00 p.m.

Report

Attendees: Commissioners: Jayaraman (Chair) Oldenburg; Sroufe;
Resident Members: K. Szafran

Substantial Change Applications:

- **ABRA-107079: Senart's, LLC d/b/a Orchid, 520 8th Street, SE; Substantial Change from Class "C" RESTAURANT license to a Class "C" TAVERN license**

This is a case that was considered by the ABC Committee and the full ANC 6B at the September meeting. At that time and in agreement with the Applicant, ANC 6B voted to request an extension of time of the petition deadline until October 22, 2018 so that the SMD Commissioner could draft a Settlement Agreement (SA) to address neighborhood and ANC concerns regarding the conversion of a restaurant license to a tavern license and gathering input by meeting with neighbors.

Comm. Oldenburg and the Chair worked together to draft a SA with reasonable restrictions that both the Applicant and ANC 6B could agree upon. The Applicant introduced Tom Johnson, Managing Partner (tom@hillrestaurantgroup.com) for the restaurant group. Applicant also shared some modifications to clarify language, requested some changes to the hours of operation, and a reduction in the food sales percentage compared to total sales. The Committee accepted the technical changes and negotiated hours of sales and service such that the interior and exterior closing times were comparable to other establishments on Barracks Row but also provided earlier hours on Saturday and Sunday to enable the Applicant to be open for Brunch to support them in their effort to increase food sales. However, the committee did not accept the Applicants requested additional percentage reduction in criterion 3(a) shown below from 30 percent to 25%:

- (a) The Applicant maintains gross annual food sales of at least **30 percent** of the establishment's gross annual sales receipts; **[emphasis added]**

Recognizing that the Applicant resumed operations on May 17, 2018 and to provide sufficient time to make a good faith effort to increase the percentage of gross annual food sales in relation to the establishment's gross annual sales receipts, ANC 6B stipulates that the Applicant shall comply with this criterion by Fall 2019, which is the regular ABRA scheduled renewal timeframe for Tavern Licenses.

As an alternative to reducing the percentage, the Applicant and the committee jointly discussed and accepted the Chair's proposed language (highlighted above) which provides a reasonable timeframe for the Applicant to reach and maintain the 30% food sales / total sales ratio. Finally, the chair explained the need for the ANC to retain its right to protest if the ABRA Board recommends modifications to the SA that goes counter to the intent and spirit of the carefully negotiated SA. With this in mind, the Chair made the following motion:

MOTION: Recommend to the Commission that ANC 6B support the application pending the receipt of a signed SA and place it on the consent calendar. To the extent that the ABRA Board makes substantive modifications to the SA, ANC 6B retains the right to protest the application. (Jayaraman; Oldenburg 2nd)

Vote: Pass 4-0-0