

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
 + + + + +
 MEETING

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| IN THE MATTER OF: | * |
| | * |
| George Washington University | * |
| Club, Inc. t/a Alumni House | * Fact- |
| 1925 F Street, NW | * Finding |
| Retailer CX - Multipurpose | * Hearing |
| Facility - ANC-2A | * |
| License No. 60219 | * |
| (Request to Extend Safekeeping) | * |
| George Washington Univ. Club, Inc. | * |
| Inc. t/a George Wash. Univ. Club | * |
| 1918 F Street, NW | * |
| Retailer CX - Club | * |
| License No. 26668 | * |
| (Request to Extend Safekeeping) | * |

August 5, 2015

The Alcoholic Beverage Control Board
 met in the Alcoholic Beverage Control Hearing
 Room, Reeves Building, 2000 14th Street, N.W.,
 Suite 400S, Washington, D.C. 20009, Chairperson
 Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
 NICK ALBERTI, Member
 DONALD BROOKS, Member
 MIKE SILVERSTEIN, Member
 HECTOR RODRIGUEZ, Member
 JAMES SHORT, Member

P-R-O-C-E-E-D-I-N-G-S

9:39 a.m.

CHAIRPERSON MILLER: All right. Now, the next case on our calendar is a Fact-Finding Hearing for George Washington University Club. There are two buildings at least involved, I don't know, an Alumni House and George Washington University Club, two different licenses, but I assume that you are here for both, correct?

MR. BLANCHARD: Correct.

CHAIRPERSON MILLER: Okay. So George Washington University Club t/a Alumni House is located at 1925 F Street, N.W. The License No. is 60219. It is a Retailer CX Multipurpose Facility in ANC-2A.

And then the second one is George Washington University Club located at 1918 F Street, N.W., License No. 26668, Retailer CX Club in ANC-2A.

And both of these involve requests to extend safekeeping.

Well, I'll let you all introduce

1 yourselves for the record before I say anything
2 else. Okay.

3 MS. KNIGHT: Good morning. My name is
4 Alicia Knight. I am the Senior Associate Vice
5 President for Operations at George Washington
6 University.

7 CHAIRPERSON MILLER: Okay.

8 MR. BLANCHARD: And good morning. I'm
9 Lyle Blanchard of Greenstein, DeLorme & Luchs,
10 counsel to the university.

11 CHAIRPERSON MILLER: Okay. So just to
12 get to the main point, I think that you were
13 called in for a Fact-Finding Hearing because your
14 licenses have been in safekeeping for a long
15 time. I think back since 2008 or something or
16 10.

17 MR. BLANCHARD: Correct.

18 CHAIRPERSON MILLER: Okay. I will let
19 you explain it and so Board Members wanted to
20 hear from you as to, you know, why they have been
21 in so long and why you are asking for the
22 extension that you are asking for.

1 MS. KNIGHT: Very good.

2 CHAIRPERSON MILLER: Okay.

3 MS. KNIGHT: I'll address both of
4 those points. There are two primary reasons that
5 the university is interested in extending the
6 safekeeping for these licenses.

7 The first, a legal reason. Based on
8 the restrictions in the ABRA Licenses and ABC
9 Statute, related to licenses in Residential Zones
10 being extremely restrictive, the university's
11 campus is located primarily in R-5-D and R-5-E
12 Residential Zones, so the licenses are important
13 to us in terms of the long-term flexibility to,
14 you know, have restaurant service on our campus.

15 Operationally, the university is
16 seeking an extension for this same flexibility.
17 In many ways, universities are kind of like small
18 cities. We have longer planning horizons. We
19 don't, you know, sign a lease and open six months
20 later. The university has a 20-year Campus Plan
21 governing the development of our campus. We have
22 multiple projects in various states of

1 construction and development right now.

2 We have recently opened a science and
3 engineering building that has a retail space in
4 it that does have an ABC License in it. We also
5 have a residential building that will be home to
6 over 800 students under construction that we
7 have, approximately, five potential locations for
8 the license to be located.

9 Additionally, we are in the process of
10 relooking at our Campus Dining Program in its
11 entirety. Universities often offer dining
12 programs to their undergraduate students.
13 Specifically, ours is a mix of on-campus and off-
14 campus partnerships.

15 We are currently rebidding our
16 institutional catering and institutional service
17 contract. The RFP is scheduled to go out later
18 this month, which hopefully a decision by the end
19 of the calendar year which will bring us to a
20 change in circumstances, whether through our
21 current operator or a new operator around this
22 time next year.

1 I also have an RFP out right now for
2 the five retail venues that would be in this
3 District House Building, so we have a lot of
4 things going on related to our restaurant service
5 on our campus.

6 CHAIRPERSON MILLER: Yes.

7 MS. KNIGHT: And retail spaces on our
8 campus. District House, the five retail spaces
9 that I mentioned, will be an addition to 16
10 current retail establishments on our campus. A
11 few of those have licenses. The university does
12 manage closely the provision of alcohol on our
13 campus.

14 We do have a large portion of our
15 campus community that is of-age. We have a
16 portion of our campus community that isn't of-
17 age. I think probably our first, it was our
18 first, retail establishment that had a liquor
19 license was Tonic. Quigleys at Tonic. It's a
20 sit-down restaurant.

21 We took steps in our lease with Tonic
22 to restrict the type of alcohol service. We have

1 expanded it based upon their sort of good
2 stewardship, even more restrictive than what
3 their license permitted.

4 So in short, continued provision of
5 the dining on-campus and the ability to have the
6 licenses from a flexibility perspective as we
7 move forward through our campus planning and
8 particularly over the next year, year and a half
9 or so as we are working through figuring out the
10 future of our dining program.

11 I'm available to answer any questions,
12 at this time.

13 CHAIRPERSON MILLER: Okay. Thank you.
14 I just wanted to follow-up on one and then let
15 other Board Members ask their questions, but
16 Tonic, is that your license or their license?

17 MS. KNIGHT: It is their license.

18 CHAIRPERSON MILLER: It's their
19 license.

20 MS. KNIGHT: Yes.

21 CHAIRPERSON MILLER: Okay. All right.
22 Other Board questions?

1 MEMBER SHORT: I have one, Madam
2 Chair.

3 CHAIRPERSON MILLER: Yes, Mr. Short?

4 MEMBER SHORT: The plan that you just
5 talked about --

6 MS. KNIGHT: Yes.

7 MEMBER SHORT: -- when are or when
8 will there be something definite about the use of
9 these ABC Licenses?

10 MS. KNIGHT: So in terms of our sort
11 of RFP process and looking at the future of the
12 venues that we currently have under development,
13 we are hoping to have some selections made by the
14 end of the calendar year. Operationally, that
15 would mean that people are not open and operating
16 at the earliest until this time next year, August
17 of 2016, at which point they would be getting
18 ready to serve students as they come back to
19 campus.

20 That is our, you know, first
21 definitive time frame that we could make some
22 decisions about these licenses and potentially

1 transferring these licenses. We do have ongoing
2 retail operations. I also have four of the 16
3 retail venues that I mentioned, these licenses
4 are expiring before 2017, this time in 2017, and
5 we may or may not look to retenant some of those
6 spaces, but we have sort of this ongoing
7 circulation as it comes to our dining and to
8 campus restaurant/food service for the
9 university.

10 MEMBER SHORT: So if I were to ask in
11 the next six months for you to come back and give
12 us a report on how well you are doing with that
13 or give us a progress report in six months, would
14 you be willing to do that?

15 MS. KNIGHT: I could certainly give
16 the Board a progress report of where we are in
17 our RFP process. I would not necessarily know
18 whether venues would be, you know, wishing to
19 serve alcohol at their venues or whether the
20 university would be permitting that. We would be
21 in the middle of negotiations. We are in August
22 right now, so that would be February. We would

1 be in the middle of the negotiation process.

2 MEMBER SHORT: I guess you almost
3 answered me.

4 MS. KNIGHT: So I could give you an
5 update. I can't tell you I would be able to give
6 you a definitive answer at the time, I guess is
7 my -- that's where we will be in that process.

8 MEMBER SHORT: Well, six months --
9 again, I'm asking, what would you come back with
10 in six months that would be different from today?

11 MS. KNIGHT: I wish I could tell you
12 exactly. I expect that at that point I would be
13 in a position to say the types of venues that we
14 are negotiating with and those statuses. So it
15 really depends upon how well the process moves
16 and, you know, honestly how much interest there
17 is and the types of venues that are interested in
18 being in these. I wish I knew the answer to
19 that.

20 MEMBER SHORT: Okay. For the record,
21 also I would just like to say that I'm very
22 familiar with George Washington University and

1 the work it does in the community along with the
2 District Government, so as a Board Member,
3 myself, I would be inclined to think in six
4 months from now we need to bring you back and
5 find out where you are with this process.

6 Thank you. Thank you, Madam Chair.

7 CHAIRPERSON MILLER: Okay. Others?
8 Mr. Alberti?

9 MEMBER ALBERTI: Yes. I just want to
10 sort of comment on something that was said
11 earlier. It was stated that one of the reasons
12 you want to keep the license is because most of
13 the campus is in a Residential Zone?

14 MS. KNIGHT: That's correct.

15 MEMBER ALBERTI: I will have to double
16 check with our attorneys --

17 MS. KNIGHT: Yes.

18 MEMBER ALBERTI: -- but I don't
19 believe that the licenses are grandfathered in a
20 Residential Zone in a broad sense, they are
21 grandfathered for locations. So if you have a
22 new location where the license wasn't before and

1 it's a Residential Zone, I'm not sure that it is
2 allowed. I'm not sure that it's a matter of
3 right placement. So I will double check with our
4 attorneys, but you should look into that also and
5 maybe discuss that with our General Counsel,
6 Martha Jenkins.

7 Because again, you can't grandfather
8 a license for, you know, a 10 block area. What
9 is GW, six blocks square area or more? 10 blocks
10 squared.

11 MS. KNIGHT: Yes.

12 MEMBER ALBERTI: I mean, it's big,
13 right.

14 MS. KNIGHT: Yes.

15 MEMBER ALBERTI: It's grandfathered
16 for specific locations in Residential Zones. So
17 just be mindful of that.

18 CHAIRPERSON MILLER: Okay. Others?
19 Okay. So you have before us two requests to
20 extend the safekeeping of the licenses, correct?

21 MS. KNIGHT: This --

22 CHAIRPERSON MILLER: I don't remember

1 how long you asked for. Did you ask for a year
2 and a half or what?

3 MR. BLANCHARD: We -- good morning,
4 Madam Chair.

5 CHAIRPERSON MILLER: Good morning, Mr.
6 Blanchard. Yes?

7 MR. BLANCHARD: In our request letter,
8 we asked for a year.

9 CHAIRPERSON MILLER: A year?

10 MR. BLANCHARD: Given the
11 circumstances --

12 CHAIRPERSON MILLER: Okay.

13 MR. BLANCHARD: -- that I just
14 embellished on.

15 CHAIRPERSON MILLER: Right. Okay.
16 I'm sorry, what's your name again?

17 MS. KNIGHT: Alicia Knight.

18 CHAIRPERSON MILLER: Okay. So what I
19 understood you to say, and also in response to
20 Mr. Short's question, is that you are asking for
21 a year because it's going to take a year to sort
22 out all the development and spaces, etcetera, so

1 in six months you could come back and say where
2 you are, but I'm not sure how much value that
3 necessarily would be, at that point, as far as my
4 perception is, because you would probably say I'm
5 in negotiations. We are moving along the
6 development or something.

7 So anyway, I would --

8 MEMBER ALBERTI: Can we just also, I
9 mean, to follow along --

10 CHAIRPERSON MILLER: Yes.

11 MEMBER ALBERTI: -- on what I said
12 earlier, can we get some sense of where these
13 locations are, so we can address the zoning
14 issues before we get too far with this?

15 MR. BLANCHARD: Certainly.

16 MS. KNIGHT: Yes. Are you interested
17 in the locations of the retail establishments?
18 The locations of the licenses? All of the above?

19 MEMBER ALBERTI: Well, the licenses.
20 I mean, particularly, I mean, I assume that -- I
21 assume what you are talking about is placing
22 these licenses in a specific retail location.

1 MEMBER ALBERTI: To be determined
2 presumption.

3 MEMBER ALBERTI: Right, right, right.

4 MS. KNIGHT: Yes. But not --

5 MEMBER ALBERTI: Hopefully within --

6 MS. KNIGHT: -- in their existing
7 locations.

8 MEMBER ALBERTI: Right.

9 MS. KNIGHT: To your question.

10 MEMBER ALBERTI: Hopefully if in six
11 months you have some idea what that location is
12 generally, even just a square, it's helpful
13 because we zone by square pretty much, so that
14 would be helpful.

15 CHAIRPERSON MILLER: So, Mr. Alberti,
16 you are really interested in the ABC Regs and
17 Statutes as they apply to a Residential Zone,
18 right? You're not interested in the Zoning
19 Regulations?

20 MEMBER ALBERTI: No. Right. I'm
21 interested because look --

22 CHAIRPERSON MILLER: Yes.

1 MEMBER ALBERTI: -- they have got two
2 licenses and, you know, I mean, the Board is
3 willing to give time to use them, but if the
4 potential isn't there to use them --

5 CHAIRPERSON MILLER: Yes.

6 MEMBER ALBERTI: -- then that's --
7 that factors into how we handle them, how we view
8 this case. I mean, if, and I doubt this is the
9 case, the entire campus is R-5, then we have to
10 figure out can they even use the licenses there.
11 Can they place the license in a new location
12 there?

13 MS. KNIGHT: Yes.

14 MEMBER ALBERTI: I mean, that becomes
15 a whole new issue and I don't think it can be
16 ignored in the process of deciding how long we
17 will let these licenses stay in safekeeping and
18 how long do we let them exist without being used.

19 MR. BLANCHARD: Just to that point,
20 excuse me, Tonic was -- is in a Residential Zone.

21 MEMBER ALBERTI: Pardon?

22 CHAIRPERSON MILLER: Tonic.

1 MR. BLANCHARD: Tonic is --

2 MEMBER ALBERTI: Yes.

3 MR. BLANCHARD: -- in a Residential
4 Zone. There was not a liquor license at Tonic's
5 location before Tonic located there.

6 MEMBER ALBERTI: How long has it been
7 there?

8 MR. BLANCHARD: So just as an
9 example --

10 MEMBER ALBERTI: How long has it been
11 there?

12 MR. BLANCHARD: How long has it been
13 there? Seven years.

14 MEMBER ALBERTI: Okay. I'll look --

15 MS. KNIGHT: Somewhere around there.

16 MEMBER ALBERTI: -- I'll check with
17 our attorneys, but my reading of the regs is
18 there is a prohibition against liquor licenses in
19 those Residential Zones.

20 MR. BLANCHARD: Fine. But there are
21 circumstances --

22 MEMBER ALBERTI: But I'll double

1 check. I understand, I'm not sure how that
2 happened.

3 CHAIRPERSON MILLER: I'm going to
4 throw this out, but perhaps it would be useful
5 then within six months. I don't want you to come
6 in for no good reason, but I think there might be
7 a good reason if you have -- if you could
8 identify where the licenses go to now, what
9 locations and where the possibilities and then
10 perhaps brief whether or not they are allowed to
11 go there or not or why you think they are, so
12 that when we get to six months, then we will -- I
13 guess what Mr. Alberti is indicating is in six
14 months, if you really can't have them in those
15 locations, you won't be wasting your time, you
16 know, trying to put them there and we won't be
17 wasting time extending a license that can't be
18 extended.

19 But if it can be extended, you will
20 have justified that. So I think that amount of
21 time. Okay. Is that all right with you all?

22 MS. KNIGHT: We can do that.

1 CHAIRPERSON MILLER: Okay. So then I
2 would move that we extend the licenses in
3 safekeeping for a six month period and that,
4 maybe I should put a date on this, within six
5 months from now, that the applicant or the
6 licensee will identify the places that have the
7 licenses and the locations where they are
8 considering transferring them to and brief why
9 they will be allowed in the zone or the location
10 that they are in.

11 MEMBER SHORT: I second that motion.

12 CHAIRPERSON MILLER: Okay. The motion
13 has been seconded.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? The motion
18 passes 6-0-0. Okay. Perhaps we could set this
19 for a hearing in six months, like this is a
20 Status Hearing, and then maybe two weeks prior
21 perhaps you could submit your written statement
22 on that issue.

1 MS. KNIGHT: Okay.

2 CHAIRPERSON MILLER: Okay.

3 MEMBER SILVERSTEIN: Madam Chair?

4 CHAIRPERSON MILLER: Yes?

5 MEMBER SILVERSTEIN: I would suggest
6 that they send us some information if anything
7 does occur, if there is any change, it might be
8 possible to avoid a hearing.

9 CHAIRPERSON MILLER: Yes.

10 MEMBER SILVERSTEIN: If there is
11 something definite, if there is any change in
12 status, you are always welcome to contact us and
13 that may help one way or the other to clarify the
14 situation.

15 MS. KNIGHT: Okay.

16 MR. BLANCHARD: Very good.

17 CHAIRPERSON MILLER: So I think we
18 will follow this up with an order putting -- you
19 know, setting a date for the hearing and the two
20 weeks prior.

21 MR. BLANCHARD: Okay.

22 CHAIRPERSON MILLER: Okay. Good.

1 Thank you very much then.

2 MR. BLANCHARD: Thank you.

3 MS. KNIGHT: Thank you very much.

4 CHAIRPERSON MILLER: Okay.

5 (Whereupon, the Fact-Finding Hearing
6 in the above-entitled matter was concluded at
7 9:56 a.m.)

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