

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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MEETING

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IN THE MATTER OF: :

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Shaw's Tavern, LLC :

t/a Shaw's Tavern :Fact

520 Florida Avenue, N.W. :Finding

License # 88569 :Hearing

Retailer CT :

ANC 6E :

One Day Substantial Change :

Application (St. Patrick's :

Day) Date of Event: :

March 17, 2013 :

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FEBRUARY 6, 2013

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., 4th Floor, Washington, D.C. 20009, Chairperson Miller, presiding.

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

MICHAEL SILVERSTEIN, Member

ALSO PRESENT

ABYIE GHENENE, Investigator

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

11:07 a.m.

CHAIRPERSON MILLER: Okay. We're back on the record. The next case on our morning calendar is Shaw's Tavern located at 520 Florida Avenue, N.W., License Number 88569 in ANC 6E.

Would the parties please come forward?

Good morning and have a seat and would you introduce yourselves for the record please?

MR. HEIM: My name is Rob Heim. I'm the GM of Shaw's Tavern.

MEMBER ALBERTI: I'm sorry. The name again?

MR. HEIM: Rob Heim H-E-I-M.

MEMBER ALBERTI: Heim.

CHAIRPERSON MILLER: H-A-N.

MR. HEIM: H-E-I-M.

CHAIRPERSON MILLER: H-E-I-M.

Okay. Thank you. You're the owner?

1 MR. HEIM: The General Manager.

2 CHAIRPERSON MILLER: General
3 Manager. All right.

4 MR. COBURN: And I'm Skip Coburn
5 from the D.C. Nightlife Association. C-O-B-U-
6 R-N.

7 CHAIRPERSON MILLER: Okay. And
8 you're signing in?

9 And we have an investigator with
10 us.

11 INVESTIGATOR GHENENE: ABRA
12 Investigator Abyie Ghenene.

13 CHAIRPERSON MILLER: Thank you.
14 Good morning, Mr. Ghenene.

15 INVESTIGATOR GHENENE: Good
16 morning.

17 CHAIRPERSON MILLER: All right.
18 So, this is a one-day substantial change
19 application.

20 Do you want to give us an overview
21 of --

22 MR. HEIM: Sure.

1 CHAIRPERSON MILLER: -- why you
2 want this?

3 MR. HEIM: We are planning a
4 community street festival for St. Patrick's
5 Day which is Sunday, March 17th. The festival
6 would be from 11:00 a.m. to 5:00 p.m. We are
7 coordinating with the restaurant across the
8 street from us Bistro Bohem.

9 There will be different activities
10 for children as well as families. We've got
11 booths for D.C. Public Library. We have a
12 fire truck coming from the fire department.
13 We have children's activities such as a moon
14 bounce and a rock wall. We have some local
15 bluegrass bands as well as Irish bands and
16 we'll be selling food just from within the two
17 restaurants and the sidewalk caf,.

18 CHAIRPERSON MILLER: All right.
19 And do you also have security? Do you want to
20 talk about that?

21 MR. HEIM: We do. We will have at
22 least four people from our establishment as

1 well as two from the other.

2 CHAIRPERSON MILLER: And have you
3 coordinated with MPD?

4 MR. HEIM: Yes, we have.

5 MR. COBURN: Actually, we have a
6 special event permit from the Mayor's Task
7 Force which went through all nine agencies
8 including MPD. They want six officers. Two
9 with each scout car at the north and south end
10 of the blocks and two roving officers as well
11 for a total of six.

12 CHAIRPERSON MILLER: Okay.

13 MR. COBURN: That's different from
14 the interrogative I submitted with the
15 application because initially we were just
16 counting on four. Two officers with each
17 scout car. Then when I met with Lieutenant
18 Barr, he said he'd like to have two roving as
19 well. So, it's six as opposed to four which
20 I submitted initially.

21 CHAIRPERSON MILLER: Okay. Thank
22 you. Is this a reimbursable detail or is --

1 MR. COBURN: No, this is a
2 reimbursable detail.

3 CHAIRPERSON MILLER: It is.
4 Right.

5 MR. COBURN: But, since it doesn't
6 fall within the substantive parameters,
7 there's no subsidy. We don't have any
8 subsidy.

9 CHAIRPERSON MILLER: I see.

10 MR. COBURN: Because it's not at
11 night.

12 CHAIRPERSON MILLER: Right. Okay.

13 MR. COBURN: Something we're
14 trying to change at the Council.

15 CHAIRPERSON MILLER: Okay. How
16 big a crowd are you expecting?

17 MR. HEIM: It's our first one.
18 We're hoping to have 600, but --

19 CHAIRPERSON MILLER: Okay.

20 MR. COBURN: That's over all day.

21 MR. HEIM: Yes.

22 CHAIRPERSON MILLER: Right.

1 MR. COBURN: It's the very first
2 thing. So, you never know how many people are
3 going to show up. That time of year, it's
4 also very dependent on the weather and quite
5 honestly, since I'm also on the St. Patrick's
6 Day organizing committee and this event is
7 going to conflict, I hope more people go to
8 the parade.

9 CHAIRPERSON MILLER: Okay. So,
10 this is more of a family type of event. It's
11 during the day. What kind of alcohol is going
12 to be served and how are you going to control
13 it?

14 MR. HEIM: Just our normal bar
15 menu that we currently have and the only thing
16 is that we are going to be having, you know,
17 people probably standing on the patio if it's
18 nice out in which we'll be tempted, but we'll
19 have people partying at the entrance of the
20 patio.

21 MR. COBURN: The sidewalk caf,
22 existing --

1 CHAIRPERSON MILLER: Yes.

2 MR. COBURN: Sidewalk caf, will be
3 expanded according to that site plan.

4 CHAIRPERSON MILLER: Right.

5 MR. COBURN: Two guys with a
6 perimeter -- controlled perimeter around. You
7 know, like I always do with the no alcohol
8 beyond this point sign.

9 CHAIRPERSON MILLER: So, but it's
10 really just like -- on the one hand, you're
11 saying it's like your restaurant just
12 expanding. Right. But, you're going to
13 actually check IDs before people enter the
14 restaurant as opposed to normally, right, you
15 would just check IDs when you serve a drink.
16 Right.

17 MR. HEIM: Correct. Well, we're
18 going to check IDs when people enter the patio
19 area just in case. I mean we will have it
20 surrounded. There's only one entry point.

21 CHAIRPERSON MILLER: Um-hum.

22 MR. HEIM: But, just as an --

1 CHAIRPERSON MILLER: Okay.

2 MR. HEIM: In that area, but as
3 well in the restaurant. We'll -- the
4 bartenders will serve as checking anyone that
5 would come --

6 MR. COBURN: Because it is a
7 family event and you're going to have elderly
8 people and young kids as well, I've already
9 talked with their security people and the plan
10 is to check IDs of anybody who remotely could
11 be less than 21. So --

12 CHAIRPERSON MILLER: Okay.

13 MR. COBURN: -- they're not going
14 to check every person because sometimes in a
15 family, a festival like this, it doesn't make
16 a lot of sense and it's a restaurant.

17 CHAIRPERSON MILLER: Right.

18 MR. COBURN: So, all kinds of
19 people are going to be coming in just to eat.

20 CHAIRPERSON MILLER: Right. Is it
21 just one entrance?

22 MR. COBURN: A reasonable approach

1 to maintaining the security of the alcohol.

2 CHAIRPERSON MILLER: Right. Just
3 one entrance. Right?

4 So, if there were a lot of people,
5 you could have a bottleneck if you were
6 checking every single person's ID. Well, it
7 just depends.

8 You have no idea how it's going to
9 -- but, there are just two restaurants that
10 are going to be serving food. Right?

11 MR. HEIM: Correct.

12 CHAIRPERSON MILLER: Correct.

13 MR. COBURN: There's only two
14 restaurants on that block and the restaurant
15 across the street can't expand their sidewalk
16 caf, because of the nature of the crosswalks
17 and it's right on the corner. No room to make
18 their sidewalk caf, any bigger than what is
19 already there. There's a fence. They have a
20 hard fence.

21 CHAIRPERSON MILLER: Are you using
22 your normal cups and things like that?

1 Glassware? You're not doing any kind of
2 plastic?

3 MR. HEIM: No.

4 CHAIRPERSON MILLER: Do you have
5 to buy tickets to go to this festival?

6 MR. HEIM: No.

7 CHAIRPERSON MILLER: Okay. Do you
8 have a policy if you discover that someone
9 underage is drinking?

10 MR. HEIM: We expel them from the
11 restaurant currently.

12 CHAIRPERSON MILLER: Okay. Board
13 Members have questions?

14 MEMBER ALBERTI: Yes.

15 CHAIRPERSON MILLER: Yes, Mr.
16 Alberti.

17 MEMBER ALBERTI: Just real quick.
18 So, I'm looking at the diagram here and I just
19 want to understand the perimeter.

20 Along your normal sidewalk caf,
21 area, how will that be secured? Along Florida
22 Avenue. That border. How will that be

1 secured?

2 MR. HEIM: With stanchions.

3 MEMBER ALBERTI: With stanchions
4 and rope or I mean stanchions are --

5 MR. COBURN: Stanchions are --

6 MEMBER ALBERTI: And rope. And
7 rope between the stanchions. All right. All
8 right.

9 I'm a stickler for details. I'm
10 sorry. Stanchions and rope. All right. All
11 right.

12 And then the same for the border
13 on 6th Street?

14 MR. COBURN: Yes, the whole
15 perimeter.

16 MEMBER ALBERTI: The whole
17 perimeter. Okay. So, all those dotted lines
18 that I see. Okay.

19 MR. COBURN: Exactly and I always
20 hang those --

21 MEMBER ALBERTI: Got ya.

22 MR. COBURN: -- no alcohol

1 permitted beyond this point --

2 MEMBER ALBERTI: All right.

3 MR. COBURN: -- on the ropes.

4 MEMBER ALBERTI: Got you. All
5 right. And you'll have one entrance to that
6 area. So, that would be your only entrance to
7 your restaurant for that whole --

8 MR. COBURN: To the sidewalk caf,.
9 The entrance to the restaurant is just to the
10 north of the north border of the sidewalk caf,
11 the way we set it up.

12 MEMBER ALBERTI: Entrance to the
13 restaurant is?

14 MR. COBURN: Right on Florida
15 Avenue.

16 MEMBER ALBERTI: Right on Florida
17 Avenue. Okay.

18 MR. COBURN: Yes, a little angle.
19 It's an angular thing.

20 MEMBER ALBERTI: Okay. So, that
21 -- okay. That also is an entrance to the
22 restaurant.

1 MR. COBURN: That's the entrance
2 to the restaurant. Then obviously, you can go
3 through the restaurant.

4 MEMBER ALBERTI: That's your
5 normal entrance to the restaurant?

6 MR. HEIM: Yes.

7 MEMBER ALBERTI: Okay.

8 MR. COBURN: And then you can go
9 through the restaurant and come into the
10 sidewalk caf, area through what is the other
11 entrance on 6th Street.

12 MEMBER ALBERTI: Okay.

13 MR. COBURN: There's an entrance
14 at the back going --

15 MEMBER ALBERTI: Okay. And on 6th
16 Street, you'll have someone permanently
17 stationed at that entrance/exit. Is that
18 correct?

19 MR. HEIM: Right.

20 MEMBER ALBERTI: Okay. And you
21 know to check that people aren't leaving with
22 alcoholic beverages.

1 MR. COBURN: In all honestly, more
2 than anything from my perspective, that's, for
3 me, more important because they're going to be
4 checking everybody's IDs when they purchase a
5 beer or alcohol.

6 I am more interested in having
7 that entrance, if you will --

8 MEMBER ALBERTI: Obviously.

9 MR. COBURN: -- manned more as the
10 exit because I don't want any alcohol and you
11 don't want any alcohol wandering out onto the
12 street. So, that's why I'm saying we're not
13 going to do much with the restaurant entrance,
14 but on the sidewalk caf, side, I want somebody
15 there to make sure that alcohol doesn't wander
16 out of the gate.

17 MEMBER ALBERTI: Right. Right.
18 Right. And how many tables will you have on
19 that expanded sidewalk caf,? I mean I see 12
20 here. Is that what you're planning?

21 MR. HEIM: Yes, usually, we have a
22 little bit more than that, but I'm thinking

1 with the tent it might -- depending on --

2 MEMBER ALBERTI: Oh, you'll have
3 this tented over?

4 MR. HEIM: Yes.

5 MEMBER ALBERTI: Okay. Great.

6 MR. HEIM: Depending on how the --

7 MEMBER ALBERTI: So, there will be
8 a definite area. All right.

9 MR. COBURN: The whole idea was
10 not to expand -- increase the number of tables
11 too much because, you know, you're limited by
12 the number of bathrooms for your occupant load
13 and stuff, C of O and with this type of an
14 event, there's a lot of stand up, come and go,
15 stand up and talk and socialize. So, we don't
16 want the whole area crowded up with tables.

17 MEMBER ALBERTI: Well, right. No,
18 I understand. So, that was going to be my
19 next question. What are you allowing for a
20 maximum capacity of that sort of 6th Street
21 sidewalk caf, and how would we define it?
22 Just take the whole sidewalk caf,, what would

1 you say would be the maximum capacity?

2 MR. COBURN: In working with the
3 fire chief and the fire inspectors, they
4 always tell you just like for inside that
5 their occupant load for a sidewalk caf, is
6 they want you to have five square feet for
7 every standing person.

8 MEMBER ALBERTI: Do you know what
9 that area is?

10 MR. COBURN: And usually, the fire
11 marshals don't even stand around and count.
12 You sort of get a feel for if you can walk
13 through the crowd, that's usually the
14 threshold that they --

15 MEMBER ALBERTI: I know. I know.
16 But, we need -- but, I need numbers. I mean
17 -- you know, quite honestly, I know I'm being
18 a stickler here. All right. But, I just want
19 to cover all of our bases so that we all of a
20 sudden don't -- you know, we don't find a
21 crowd in there that becomes a potential --

22 MR. COBURN: If you go on to the

1 next question --

2 MEMBER ALBERTI: I won't.

3 MR. COBURN: -- and give me a
4 moment to do some math, I will let you know.

5 MEMBER ALBERTI: Sir, I'd like to
6 have a number for what you think that sidewalk
7 caf, would be the max and so --

8 MR. COBURN: I'm not going to
9 guess. I'm going to compute it out.

10 MEMBER ALBERTI: All right. And
11 so, that's it for me.

12 MR. COBURN: Okay.

13 MEMBER ALBERTI: I have no further
14 questions.

15 MR. COBURN: I will do the math.

16 MEMBER ALBERTI: Thank you. I
17 appreciate your cooperation --

18 MR. COBURN: I will do the math
19 for you.

20 MEMBER ALBERTI: -- Mr. Coburn.

21 MR. COBURN: Of course, Nick.

22 CHAIRPERSON MILLER: I have a

1 question, Mr. Heim, you can probably answer.

2 MR. HEIM: Yes.

3 CHAIRPERSON MILLER: Just while I
4 was listening to, you know, the dialogue
5 between Mr. Alberti and you all, you know,
6 when you talk about checking IDs when they
7 first come into the restaurant, well, then
8 what do you do? You're not -- are you putting
9 a wristband on somebody? I mean what's the
10 point of checking when they first come in to
11 the restaurant?

12 MR. HEIM: Well, we're not
13 checking when they -- we're checking when they
14 go into the sidewalk caf, just because that's
15 going to be more of an area that we don't want
16 people maybe sneaking over or whatever and
17 inside the restaurant, they're going to be
18 checked every time a beverage is --

19 CHAIRPERSON MILLER: Right. So,
20 but just say okay, I understand when you're
21 checked at the bar. You get a drink. You
22 don't get a drink. But, what happens when

1 you're checked then going into the sidewalk
2 caf, and you're under 21?

3 MR. HEIM: If you mean -- well,
4 then if they try to get something else out
5 there, there's going to be servers out there
6 that will be checking as well.

7 CHAIRPERSON MILLER: So, they'll
8 be checking when they want to get a drink?

9 MR. HEIM: Right.

10 CHAIRPERSON MILLER: But, so,
11 they're not checking just to enter?

12 MR. HEIM: No, you can be in there
13 underage because there's going to be families
14 and --

15 CHAIRPERSON MILLER: Right. Okay.
16 So, basically, you're check is when they're
17 ordering a drink?

18 MR. HEIM: Exactly.

19 CHAIRPERSON MILLER: Okay. And do
20 you have two entrances then? One from the
21 sidewalk caf, and one from the restaurant or
22 only from the restaurant. You go through

1 there to get to the sidewalk caf,.

2 MR. HEIM: The door to the
3 restaurant is on the corner of Florida and
4 6th.

5 CHAIRPERSON MILLER: Um-hum.

6 MR. HEIM: And then the sidewalk
7 caf, is right to the side. So, basically, you
8 can go into the restaurant or you can go into
9 the sidewalk caf,.

10 CHAIRPERSON MILLER: Okay.

11 MR. HEIM: And there will be
12 someone standing there at all times to make
13 sure that as people come out that they don't
14 go out with any drinks and that they go inside
15 to the sidewalk caf,.

16 CHAIRPERSON MILLER: Okay. Thank
17 you.

18 Other questions while Mr. Coburn's
19 computing?

20 Investigator Ghenene.

21 INVESTIGATOR GHENENE: Yes, I have
22 a few questions.

1 You guys mentioned that you're
2 doing this in conjunction with Bistro Bohem.
3 That's true?

4 MR. HEIM: Correct.

5 INVESTIGATOR GHENENE: Are they
6 going to be serving liquor, too?

7 MR. COBURN: Yes, their regular
8 brunch menu.

9 INVESTIGATOR GHENENE: Okay. You
10 said they're bringing their brunch menu or
11 they will be serving alcohol?

12 MR. HEIM: They will be serving
13 alcohol.

14 INVESTIGATOR GHENENE: Okay.

15 MR. HEIM: As their normal --
16 they'll be just running as a normal business.

17 MR. COBURN: Just a normal
18 restaurant operation.

19 INVESTIGATOR GHENENE: Okay. And
20 they going to be checking IDs, too? Are you
21 guys sharing security or --

22 MR. HEIM: They said that they

1 would have two as well just in case.

2 INVESTIGATOR GHENENE: Okay.

3 MR. HEIM: So, yes.

4 INVESTIGATOR GHENENE: Okay. And
5 are you guys saying that 6th Street is going
6 to be blocked off?

7 MR. COBURN: The 1800 block of
8 6th. And the Mayor's Task Force has already
9 approved that.

10 INVESTIGATOR GHENENE: Okay. And
11 are people going to be allowed to exit your
12 property with any type of beverage onto 6th
13 Street? Nothing. So, they can't leave your
14 property with anything onto 6th Street?

15 MR. HEIM: Not even a bottle --

16 INVESTIGATOR GHENENE: Okay.

17 MR. HEIM: No.

18 INVESTIGATOR GHENENE: And you
19 guys are not -- you're using your normal
20 glasses? So, there's not going to be any type
21 of plastic cups whatsoever?

22 MR. HEIM: Just normal glassware.

1 INVESTIGATOR GHENENE: Okay. And
2 you guys are not using wristbands or stamps to
3 indicate people over 21 or under 21?

4 MR. HEIM: We are not. We're just
5 going to run it as our regular open --

6 MR. COBURN: I'd also like to go
7 back for a second and talk about leaving the
8 sidewalk caf, area. Because this is going to
9 be families, you're going to have kids there
10 with water and soda and stuff, I know he's
11 trying to be cooperative, but I wouldn't like
12 to be restricted to hold that standard of no
13 one being allowed to be anywhere on the block
14 with liquid. I think that ruins part of the
15 character of the event.

16 So, I would to reenforce that we
17 will insure that nobody leaves the ABC-
18 controlled area with any alcohol. I can meet
19 that standard by making sure that somebody's
20 just going out with a Coke or just going out
21 with a bottle of water. I don't want to
22 restrict everybody that's there because I

1 think the majority of the people there aren't
2 going to be drinking alcohol.

3 MEMBER ALBERTI: Mr. Coburn, let
4 me ask a question. Will anyone else besides
5 the two licensed establishments be serving
6 refreshments at this festival? So, you're the
7 only people who will be serving refreshments?

8 MR. COBURN: Right.

9 MEMBER ALBERTI: Are you planning
10 on serving food to go that would go out into
11 the --

12 MR. COBURN: They're going to
13 serve bratwurst and --

14 MEMBER ALBERTI: And so, you can
15 walk out with your bun of bratwurst?

16 MR. COBURN: Your bratwurst. Yes.

17 MEMBER ALBERTI: All right. So, I
18 would suggest that we come up with an
19 agreement of the kinds of containers that
20 you're going to allow to exit and so that we
21 know that only those kinds of containers will
22 exit and those kinds of containers will have

1 nonalcoholic beverages.

2 So, what was your plan? I mean I
3 don't think you were going to allow them to go
4 out with your best glasses.

5 MR. COBURN: Right.

6 MEMBER ALBERTI: So, what were you
7 planning on doing?

8 MR. COBURN: That's a very good
9 sticky point. Plastic. We would say that
10 anybody that wants to leave with the --

11 MEMBER ALBERTI: Nonalcoholic
12 beverage.

13 MR. COBURN: Well, a bottle of
14 water. Plastic bottle of water's okay, but
15 anything else would be in a plastic cup and
16 anything in glass would have to stay in
17 control -- in the controlled area.

18 MEMBER ALBERTI: So, would sodas
19 in cans -- in commercial containers or would
20 they be in glasses?

21 MR. COBURN: We don't sell canned
22 soda.

1 MR. HEIM: We could do canned
2 soda. It might be a little --

3 MEMBER ALBERTI: Well, you tell me
4 what you want to do and we'll tell you how we
5 feel about it. I'm not running this event.

6 MR. HEIM: I think it's safer --
7 yes, I think it would be safer to do canned
8 sodas so that it's easier to tell what's --

9 CHAIRPERSON MILLER: Right.
10 They're easily identifiable. All right.
11 Because we're just talking right now that you
12 may have some -- you're going to have some sit
13 down and some carry out. So, if you have some
14 food carry out, you may have some drink carry
15 out, but you said you weren't going to use
16 plastic cups or anything. So, it sounds like
17 if you use the water bottles and the soda cans
18 or whatever it is that's clear what it is --

19 MR. HEIM: Yes, I think that's the
20 best way to go. Canned sodas and --

21 MR. COBURN: How about that then
22 and I like where we're going with this

1 discussion. So, canned sodas and water
2 bottles would be okay, but nothing else.

3 MEMBER ALBERTI: The best way to
4 put this is that no plastic or -- no glasses
5 made of --

6 MR. COBURN: No glass.

7 MEMBER ALBERTI: No glasses or
8 cups made of any material are going to be
9 exiting the that establishment.

10 MR. COBURN: That's good. I just
11 didn't want to restrict liquid from the whole
12 block.

13 MEMBER ALBERTI: No, that's fine.
14 I understand. I'm glad that point was brought
15 up.

16 MR. COBURN: Sometimes we get
17 driven in a particular way without thinking
18 about all the consequences.

19 INVESTIGATOR GHENENE: So, alcohol
20 will only be served in glassware?

21 MR. HEIM: Correct.

22 INVESTIGATOR GHENENE: Okay. Do

1 you guys have cameras outside your restaurant?

2 MR. HEIM: We do. We have one on
3 Florida and two on 6th Street.

4 INVESTIGATOR GHENENE: Okay. And
5 they'll be pointed on 6th Street in the event
6 location?

7 MR. HEIM: Um-hum.

8 INVESTIGATOR GHENENE: And
9 recording?

10 MR. HEIM: Um-hum.

11 INVESTIGATOR GHENENE: Okay.

12 MR. HEIM: Recording all the time.

13 MR. COBURN: Are they that easy to
14 move around and repoint?

15 MR. HEIM: Yes, they are.

16 MR. COBURN: Is that outside where
17 they go now?

18 MR. HEIM: What's that?

19 MR. COBURN: They don't point
20 towards 6th Street now? You can move them
21 back and whatnot?

22 MR. HEIM: There's one on the

1 patio. The only thing if the tent is there
2 we'll --

3 INVESTIGATOR GHENENE: Okay. And
4 are you guys advertising any place for this
5 event?

6 MR. HEIM: We are. Well, we're
7 doing Facebook, social media and most likely
8 in the City Paper.

9 INVESTIGATOR GHENENE: Okay.
10 Okay. And do you happen to know if Bistro
11 Bohem is applying for a substantial change as
12 well?

13 MR. HEIM: They are not.

14 INVESTIGATOR GHENENE: So, you
15 guys are responsible for the entire 6th
16 Street?

17 MR. HEIM: Correct.

18 INVESTIGATOR GHENENE: Okay.

19 CHAIRPERSON MILLER: That's it.

20 MEMBER ALBERTI: So, you're
21 assuming -- okay. I want to get this clear.
22 Let's be very clear. Because I was going to

1 ask Mr. Coburn to speak with Bistro Bohem.

2 Are you in communication with Bistro Bohem?

3 MR. HEIM: Oh, yes, sir.

4 MEMBER ALBERTI: All right.

5 MR. COBURN: Going in with both
6 establishments.

7 MEMBER ALBERTI: Very good. All
8 right. We're sticklers for who's responsible
9 for alcohol. So, if we see an alcoholic
10 beverage on 6th Street, it's in your best
11 interest to make sure that it's not coming
12 from Bistro Bohem because you're telling us
13 now, and if this is not the case, let us know,
14 that you're responsible -- I don't know if we
15 can do this. Because really what you're
16 asking -- you're really only asking -- I think
17 what you're really only asking is for
18 licensure for the expanded sidewalk caf,.
19 You're not asking to be licensed for all of
20 6th Street. Correct?

21 MR. COBURN: That's true.

22 MEMBER ALBERTI: All right.

1 MR. COBURN: I have been working
2 closely with both the general manager at
3 Bistro Bohem and at Shaw's Tavern and I'm --
4 you know, they operate every day under their
5 existing ABC rules. I'm confident that we can
6 -- that they will comply with the same
7 criteria that we've established here for no --

8 MEMBER ALBERTI: That would be
9 great.

10 MR. COBURN: -- glass and only
11 Coke and water bottles could be taken out, but
12 they still have to operate under their
13 existing ABC --

14 MEMBER ALBERTI: No, absolutely,
15 but if --

16 MR. COBURN: Because they're not
17 doing anything official out on the street.
18 They are selling stuff within their
19 existing --

20 MEMBER ALBERTI: I understand
21 that, Mr. Coburn.

22 MR. COBURN: And they always have

1 to keep people from wandering out.

2 MEMBER ALBERTI: Mr. Coburn, I
3 understand that. I just didn't want them
4 having people going out with glasses of Coca-
5 Cola and creating confusion for Mr. Heim. I
6 mean it just --

7 MR. COBURN: That's a very good
8 point and we'll make sure they follow the same
9 rules on that day.

10 MEMBER ALBERTI: You make it easy
11 for us. We make it easy for you. It's just
12 in everybody's best interest. That's all I'm
13 trying to get at.

14 MR. COBURN: Make a good point.

15 MEMBER ALBERTI: All right. All
16 right. And so, Mr. Coburn, you have a
17 sidewalk caf,. Because it's not just that
18 street, I mean you've got the whole sidewalk
19 there. It mean it's a pretty big area. So,
20 I'd like to kind of know what limit you're
21 going to set crowd for that area that's --

22 MR. COBURN: My calculator is

1 telling me that it's 520.

2 MEMBER ALBERTI: People.

3 CHAIRPERSON MILLER: How many?

4 MR. COBURN: Five hundred and
5 twenty. It's a huge -- the sidewalk caf, now
6 is a huge area and we've taken clear across
7 the sidewalk and halfway cross the street to
8 the 20-foot fire lane. So, it's a huge --

9 MEMBER ALBERTI: I'll tell my
10 fellow Board Members that I'm comfortable with
11 a limit of 500 if that's what you'll commit
12 to.

13 MR. COBURN: And I doubt seriously
14 that many people --

15 MEMBER ALBERTI: You're not going
16 to make that.

17 MR. COBURN: -- are going to go in
18 there, you know.

19 MEMBER ALBERTI: If you do, you'll
20 be disappointed because they're not at the
21 parade.

22 MR. COBURN: They're not at the

1 St. Patrick's Day parade.

2 CHAIRPERSON MILLER: Mr. Coburn,
3 just for my understanding, can you tell me do
4 you have a number for how many could be seated
5 there versus how many could be in there?

6 MR. COBURN: No, I just -- as a
7 matter of fact, I disallowed any tables. I
8 just took the square footage and divided it by
9 five.

10 CHAIRPERSON MILLER: Oh.

11 MR. COBURN: There were no --
12 well, it's all I can --

13 CHAIRPERSON MILLER: Do you know
14 how many tables are going to be in there?

15 MR. COBURN: We put 12 additional
16 tables to what's already on the sidewalk.

17 CHAIRPERSON MILLER: Yes.

18 MR. COBURN: I fully expect that
19 -- you know, I do these events a lot.

20 CHAIRPERSON MILLER: Okay.

21 MR. COBURN: And I fully expect
22 that if more people want to come into the

1 sidewalk caf, and sort of -- it's a nice day
2 and people wanting to stand around, a lot of
3 times restaurants will pull aside the tables
4 and chairs because it's clear people would
5 rather stand around and mill around than walk
6 in and out. So, that how many tables are
7 there -- I don't know if you've been to this
8 very nice restaurant, but they're really
9 lightweight. You can pick up a whole table
10 with one hand there. Lightweight. They're
11 metal, but they're very lightweight and very
12 movable around. So, I expect there would be
13 a lot of flexibility.

14 MEMBER ALBERTI: Well, my fear is
15 that if you get inclement weather and all of
16 a sudden everybody wants to gravitate inside
17 your tent and into that area.

18 MR. COBURN: Right.

19 MEMBER ALBERTI: That's my fear.

20 MR. COBURN: That's the truth.

21 MEMBER ALBERTI: That you're going
22 to have to -- you're going to just have to --

1 you're going to have to limit the crowd at
2 some point.

3 CHAIRPERSON MILLER: Can I also
4 ask you what else is going to be going on for
5 the festival?

6 MR. HEIM: So, we have like I was
7 saying the children's activities. We have
8 about ten to 12 different booths that we'll be
9 setting up giving out information and we have
10 like a fitness center that's going to be
11 there. We have --

12 MR. COBURN: Howard University.

13 MR. HEIM: -- Howard University
14 Hospital, the D.C. Public Library, fire
15 department.

16 MR. COBURN: Public information
17 safety --

18 CHAIRPERSON MILLER: Any
19 entertainment?

20 MR. HEIM: Yes, we have different
21 bluegrass bands and an Irish band.

22 CHAIRPERSON MILLER: Great. Okay.

1 Anything else?

2 MEMBER ALBERTI: Can I ask that
3 before we sign the license that they annotate
4 it to say max of 500 on sidewalk -- on entire
5 sidewalk caf,?

6 MR. HEIM: Yes. Okay.

7 MR. COBURN: Sure. Sure that's
8 fine.

9 MEMBER ALBERTI: So it'll be there
10 and --

11 MR. COBURN: Absolutely.

12 MEMBER ALBERTI: -- we'll have a
13 complete understanding. I'm sure it's going
14 to be a great event.

15 MR. COBURN: Please come. Please
16 come. It's a beautiful neighborhood
17 establishment and --

18 MEMBER ALBERTI: I know.

19 MR. COBURN: -- you should drop in
20 and see how it goes personally.

21 CHAIRPERSON MILLER: Any Board
22 Members have any other questions?

1 Okay. Then I think I'll make a
2 motion then to approve the application as
3 amended in accordance with Mr. Alberti's
4 request to put on the maximum of 500 in the
5 sidewalk caf,.

6 Do I have a second?

7 MEMBER BROOKS: Second.

8 CHAIRPERSON MILLER: Mr. Brooks
9 has seconded the motion. All those in favor
10 say aye?

11 (Ayes.)

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? Okay. The
14 motion passes to approve the application 4-0-
15 0.

16 So, we'll just need to sign it
17 before you go.

18 MEMBER ALBERTI: Mr. Heim, thank
19 you for hosting it. I'm sure -- on behalf --
20 no, I'm not part of the neighborhood, but I'm
21 sure they appreciate the fact that you're
22 hosting this.

1 And, Skip, are you -- is there
2 Irish heritage here?

3 MR. COBURN: One-fourth.

4 MEMBER ALBERTI: Pardon?

5 MR. COBURN: I'm 1/4 Irish.

6 MEMBER ALBERTI: All right. So,
7 that's why you're doing the parade. Great.

8 MR. COBURN: I'm 1/4 Irish.

9 That's why I'm so much trouble.

10 CHAIRPERSON MILLER: Thank you,
11 Mr. Ghenene.

12 INVESTIGATOR GHENENE: No problem.
13 My pleasure.

14 CHAIRPERSON MILLER: Okay.

15 INVESTIGATOR GHENENE: No, my
16 pleasure.

17 CHAIRPERSON MILLER: We need to
18 sign it when you're done.

19 MR. COBURN: I'm writing all of
20 these things against the questions that you
21 asked.

22 MEMBER ALBERTI: Okay.

1 MR. COBURN: I didn't get the
2 point in about the soda cans and the water.

3 MEMBER ALBERTI: There will be no
4 glass or cup receptacles --

5 MR. COBURN: Only soda cans.

6 MEMBER ALBERTI: -- leaving. It's
7 the other way of saying it.

8 MR. COBURN: I'll just put --

9 CHAIRPERSON MILLER: Either way.
10 Yes.

11 MEMBER ALBERTI: Either way.

12 MR. COBURN: Okay. I wrote down
13 all those things. I wrote those additional
14 interrogatives on the questions that answered
15 those details.

16 You already voted. Right?

17 CHAIRPERSON MILLER: We did. We
18 did. We voted to approve 4-0-0 as amended.

19 MR. COBURN: Yes. Actually, I
20 wanted to give them to you guys. These are
21 from the police department. I'll tell you
22 what these are. The police department has

1 gotten from -- all right. The police -- how
2 many of you are there these days? One, two,
3 three, four.

4 CHAIRPERSON MILLER: We're five.
5 One is missing right now.

6 MR. COBURN: Should have another
7 one.

8 MEMBER ALBERTI: Oh, it's not
9 important.

10 CHAIRPERSON MILLER: Well, yes,
11 exactly. Only need four for this hearing.

12 MR. COBURN: Okay. Fine. MPD has
13 acquired from FBI a really neat CD about the
14 proper installation and maintenance of CCTV
15 surveillance camera systems and so, I've been
16 distributing those to all our members and
17 because video surveillance is always so
18 helpful to you in all of your deliberations,
19 I wanted you to see what we're giving to
20 everybody from the FBI.

21 CHAIRPERSON MILLER: Thank you.
22 Okay. Thank you.

1 MR. COBURN: Thank you very much.

2 MR. HEIM: Thank you, all.

3 CHAIRPERSON MILLER: Have a
4 successful festival.

5 MR. HEIM: Thank you.

6 CHAIRPERSON MILLER: Have a
7 successful festival.

8 MR. COBURN: Thank you. Have a
9 good day. Well, drop in.

10 CHAIRPERSON MILLER: Thank you.
11 Okay. So, this hearing is over and we will be
12 in recess until 1:30 when our next hearing is.
13 Thank you.

14 (Whereupon, at 11:37 a.m., the
15 hearing was adjourned.)

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