THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:		
AMR, LLC t/a Stroga	License Number: Case Number: Order Number:	N/A 10-PRO-00184 2011-190
Catered Event Site Protest		
at premises 1808 Adams Mill Road, N.W. Washington, D.C. 20009		

BEFORE: Nick Alberti, Acting Chairperson
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

ALSO PRESENT: AMR, LLC, t/a Stroga, Respondent

Olivier Kamanda, Commissioner, Advisory Neighborhood Commission (ANC) 1C, Protestant

Matthew Accornero, A Group of Five or More Individuals, Protestant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

In accordance with 23 DCMR § 2008.1, Advisory Neighborhood Commission (ANC) 1C, represented by Commissioner Olivier Kamanda and A Group of Five or More Individuals, represented by Matthew Accornero, (collectively the "Protestants") filed letters on December 7, 2010, and November 23, 2010, respectively, protesting the use of premises 1808 Adams Mill Road, N.W., Washington, D.C., as a catered event site by the owner, AMR, LLC, t/a Stroga (Respondent).

The Board granted the Protestants standing in accordance with D.C. Code § 25-601 and 23 DCMR § 2008.5 at the preliminary hearing held on January 12, 2011. The parties were unsuccessful in negotiating a Voluntary Agreement before the Protest Hearing. The Protest Hearing was held on February 9, 2011.

ANC 1C submitted a recommendation to the Board in accordance with D.C. Code § 25-609 on December 7, 2010. The Board incorporates ANC 1C's recommendation into the record.

Pursuant to D.C. Code § 25-313 and 23 DCMR § 2008.1, the protest issues are whether the Respondent's use of the premises as an event site adversely impacts the peace, order, quiet, residential parking needs, and vehicular and pedestrian safety of the neighborhood and whether, based on those impacts, the Board should prohibit or place restrictions on the events held at 1808 Adams Mill Road, N.W.

The Board, having considered the evidence, the testimony of the witnesses, the arguments of the parties, and all documents comprising the Board's official file, makes the following:

FINDINGS OF FACT

1. The Respondent does not currently hold an ABC-license but allows its premises to be used by caterers. *See ABRA Licensing File No. 085545.*

2. The Respondent's event site is located at 1808 Adams Mill Road, N.W. *ABRA Protest File No. 10-PRO-00184, Protest Report 2.* The event site is located in a C-2-A zone. *Protest Report, 2*; *Transcript (Tr.)*, February 9, 2011 at 27. There are 57 ABC-licensed establishments operating within 1,200 feet of the event site. *Protest Report, 4.* There are no schools, recreation centers, public libraries, or day care centers within 400 feet of the event site. *Protest Report, 6.*

3. There is an R-5-D zone located next to the event site and a number of residential homes directly neighbor the Respondent's business. *Tr.*, 2/9/11 at 27, 143. In addition, behind the event site, the Respondent shares an alley with a condominium building and an apartment building. *Tr.*, 2/9/11 at 61.

4. The parties stipulated that events held by Grey Goose Mansion at the event site adversely impacted peace, order, quiet, residential parking, and vehicular and pedestrian safety of the neighborhood. *Transcript (Tr.)*, February 9, 2011 at 95-97, 99.

5. The Respondent allowed Grey Goose Mansion to hold 18 events at the event site in 2010. *ABRA Protest File No. 10-PRO-00184, Respondent's Caterers List.* Grey Goose Mansion paid $20,000.00 for alcohol and $720.00 for food for events that occurred on October 29, 2010, and October 30, 2010. *Tr.*, 2/9/11 at 38.

6. The use of the event site has created noise problems in the neighborhood. Noise from the Grey Goose Mansion parties and other events could be heard outside the establishment. *Tr.*, 2/9/11 at 55, 59. In addition, noise from the unloading and loading of vehicles often disturbs the neighbors. *Tr.*, 2/9/11 at 89-90, 100-101, 113.

7. The use of the event site has also created problems with traffic and parking in the neighborhood. As indicated by Mr. Bernet, caterers using the event site have blocked the alley with illegally parked motor vehicles. *Tr.*, 2/9/11 at 89, 108-109, 122; *Protestant's Exhibit No. 4*. Additionally, caterers using the event site failed to obtain proper approval to utilize valet service and the valet has parked cars in traffic lanes. *Tr.*, 2/9/11 at 54.

CONCLUSIONS OF LAW

8. Pursuant to D.C. Code § 25-313 and 23 DCMR § 2008.1, the Respondent must demonstrate to the Board's satisfaction that the event site for which a protest has been filed is appropriate for the neighborhood in which the event site is located. Here, the issues are whether the event site adversely impacts peace, order, quiet, residential parking needs, and vehicular and pedestrian safety of the neighborhood and whether, based on those impacts, the Board should prohibit or place restrictions on the events held at 1808 Adams Mill Road, N.W., Washington, D.C. Based on the parties' stipulation, which resolves the legal issues in this matter, and the evidence presented by the Protestants, the Board answers both questions in the affirmative.

9. The Board recognizes that pursuant to D.C. Official Code § 1-309.10(d) and D.C. Official Code § 25-609, an ANC's properly adopted written recommendations are entitled to great weight from the Board. See Foggy Bottom Ass'n v. District of Columbia ABC Bd., 445 A.2d 643 (D.C. 1982). Accordingly, the Board "must elaborate, with precision, its response to the ANC issues and concerns." Foggy Bottom Ass'n, 445 A.2d at 646. Here, ANC 1C recommends that the Board limit the types and times of events at the event site. According to ANC 1C, the Board should impose limits on the event site because continued use of the site adversely impacts peace, order, and quiet, residential parking needs, and vehicular and pedestrian safety. Specifically, ANC 1C is concerned because the Respondent's patrons block public sidewalks, the Respondent's entertainers and caterers block the public alley while loading and unloading their vehicles, the event site plays music until 3:00 a.m. without restrictions, and patrons utilizing the event site's balconies have dropped items onto the sidewalk below. The Board agrees with ANC 1C's recommendations and will impose restrictions on the use of the event site in accordance with 23 DCMR 2008.1.

10. The Protestants do not want to completely prohibit the Respondent from utilizing the event site. As a result, the Board seeks to balance the needs of the Respondent with those of its neighbors. Thus, the Board limits usage of the event site to no more than 2 events per month and not to exceed more than 12 events per year. In addition, caterers using the event site may only operate until 11:00 p.m. Sunday through Thursday and until 12:00 a.m. on Fridays and Saturdays.

ORDER

Therefore, this 4th day of May, it is hereby **ORDERED** that the event site at premises 1808 Adams Mill Road, N.W., and owned by AMR, LLC, t/a Stroga, shall operate under the following conditions:

(1) the event site shall be limited to a maximum of two (2) catered events per month and not to exceed 12 events per year; and

(2) caterers utilizing the event site may only operate until 11:00 p.m. Sunday through Thursday and until 12:00 a.m. on Friday and Saturday.

Copies of this order shall be sent to the Respondent and the Protestants.

District of Columbia
Alcoholic Beverage Control Board

Nick Alberti, Acting Chairperson

Donald Brooks, Member

Herman Jones, Member

Calvin Nophlin, Member

Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (2008), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, NW, 400S, Washington, D.C. 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. *See* D.C. App. Rule 15(b) (2004).