

Alcohol License Review Committee
Meeting of January 15, 2020
Agenda item #s 19 and 30, Legistar #s 59043 and 58773

I urge to not grant these applications. At a minimum, refer the applications to the February meeting. This would give the neighborhood a chance to fully understand the scope of this business, the proposed plans, and how this could best work within a residential area. I would even suggest that the applications be denied. It is unfortunate that Mr. Carl (Mr. Carl is the lessee, not Bakhari LLC) signed a 4 month lease (after 4 months, if he remains in business, they will negotiate for a 3-year lease), with lease payments of \$6K for January, \$8K for February, and \$9,850 for March and April. But that decision should not influence the ALRC's process.

Refer the applications to the February ALRC meeting

The applicant is applying for an alcohol license and an 18+ Center For Visual And Performing Arts license. Or is it a 21+ Entertainment license (as claimed at the MNA Preservation and Development Committee meeting on January 14, 2020)? The applicant said that he had submitted an updated application, but Legistar does not reflect such. Does an incomplete 18+ application (the 3rd page was not completed) become a valid 21+ application without any timely new filing?

This proposed business has gone through various iterations in a matter of weeks. In a January 8th Cap Times article, the applicant is quoted as saying: "On the 15th we go before ALRC," Carl said. "And then we're opening on the 18th. Even if we don't get an alcohol license, we'll still do the coffee. We'll do bar service throughout the week but we will be a nightclub on the weekends." And "...Our food permit doesn't allow us to do any heavy items that cause smoke. But we will achieve gourmet food."

Yet at the informational/neighborhood meeting on the 8th, the applicant's representative said there would not be a café at this time. And that food would consist of things like pizza and fried foods such as french fries.

And a new page has been added to their website saying that, though they will be serving coffee, they won't operate as a café until a later date, that there will be classrooms on the second floor "once [they] get it ready to go," and that they are looking forward to adding a rooftop patio.

And the applicant continues to advertise a grand opening for this coming Saturday (the last Instagram post on the opening was yesterday).

At this moment, it looks like they are asking for a nightclub only – alcohol and 21+ entertainment, playing electronic dance music. (Per the lease, hiphop and urban music special event are not allowed without the landlord's prior written consent.) Yet their lease specifies operation as a "restaurant and bar."

At the P&D meeting, the applicant said the hours of operation would be 10am-6 pm Sunday, Monday and Tuesday, 10am-12am on Wednesday, 10am-2am on Thursday, and 10am-2:30am

on Friday and Saturday. About 300 people need to start drinking at 10am? Or is this coffee without being a coffee shop? Will persons under age 21 be admitted during daytime hours?

The capacity of the business is not known. The application states 375. At the P&D meeting, the applicant said that was because the landlord said that was the capacity, but that capacity would be 296 (and gain a higher capacity as they move forward). This appears to be a change due to the Zoning Administrator's minimum parking calculations. It is worth noting that a check box on the entertainment application is "I have contacted Zoning ... for necessary approvals." This box is checked. Yet, as of January 10, the Zoning Administrator said in an email said he and the applicant had yet to connect "beyond passing a few emails to try to find a time to meet."

Deny approval of the applications

The ALRC could choose to deny the applications.

- The ALRC may remember issues that arose with Plan B back when it was still popular and operating at full capacity. See Legistar 30145 (2013), Legistar 28323 (2012), and Legistar 26417 (2012).
- At the March 14, 2012 ALRC meeting, there was a discussion of the conditions the neighborhood was trying to place on new alcohol licenses. One ALRC Member specifically recognized that these conditions were the result of Plan B – that Plan B was a use that does not fit so well into the neighborhood.
- Assistant City Attorney Allen stated at the October 18, 2017 meeting: the ALRC can consider "whether the saturation of licensed establishments in an area ... is it turning Bedford Falls into Pottersvilles."
 - There is a current alcohol capacity of approximately 4,700 in the Marquette neighborhood (including a 250 capacity restaurant on E Washington that has been approved by the neighborhood but not yet files with the City). Of this capacity, about 2,000 is located in a primarily alcohol venue. Of the existing capacity, almost 2,500 has been added since Plan B was originally approved in 2009. The neighborhood had had a total of 5,360 residents over the age of 17 as of the last census.
- Would there be another nightclub of this size on Williamson? The neighborhood has approved some small bars (around 50 people), but the largest establishment approved was I/O Arcade bar, a game establishment, with a capacity of 150.

Respectfully Submitted,
Linda Lehnertz