

**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

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In the Matter of:	)	
	)	
Causa, LLC	)	Case No.: 22-PRO-00051
t/a Causa	)	License No.: ABRA-114552
	)	Order No.: 2022-946
Application to Renew a	)	
Retailer's Class CR License	)	
	)	
at premises	)	
920 N Street, N.W.	)	
Washington, D.C. 20001	)	

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**BEFORE:** Donovan Anderson, Chairperson  
James Short, Member  
Bobby Cato, Member  
Rafi Aliya Crockett, Member  
Jeni Hansen, Member  
Edward S. Grandis, Member

**ALSO PRESENT:** Causa, LLC, t/a Causa, Applicant

Amanda Gore, Designated Representative, Blagden Alley Naylor Court Association, Protestants

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND ORDER**

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**INTRODUCTION**

The Alcoholic Beverage Control Board (Board) approves the Application to Renew a Retailer's Class CR License filed by Causa, LLC, t/a Causa (hereinafter "Applicant" or "Causa") subject to the condition that (1) entertainment in the summer garden and any other outdoor seating area shall be prohibited; (2) the summer garden and all other outdoor seating at the establishment shall be limited to 10:00 a.m. to midnight; (3) the indoor hours of alcohol sale, service, and consumption shall be limited to 10:00 a.m. until 1:00 a.m.; and (4) the indoor hours of entertainment shall be limited to 10:00 a.m. until midnight.

The Board reminds the parties that the protest process is akin to “spot zoning” that can address specific issues related to the operations of a single establishment. In general, it is unlikely to be able to address global issues such as the use of specific areas as thoroughfares by pedestrians and rideshare vehicles, waste and litter management on a neighborhood level, traffic, etc. The Board recommends that if there are global issues having a negative impact on the neighborhood that interested persons reach out to the appropriate agencies, community stakeholders, and other bodies to explore options for addressing these concerns.<sup>1</sup>

### ***Procedural Background***

The records of the Alcoholic Beverage Regulation Administration (ABRA) indicate that the Blagden Alley Naylor Court Association has filed a protest against the Application. *ABRA Protest File No. 22-PRO-00051*, Roll Call Hearing Results.

The parties came before the Board’s Agent for a Roll Call Hearing on June 27, 2022, where the above-mentioned objector was granted standing to protest the Application. On June 29, 2022, the parties came before the Board for a Protest Status Hearing. Finally, the Protest Hearing in this matter occurred on October 26, 2022.

Based on the issues raised by the Protestants, the Board may only grant the Application if the request will not have an adverse impact on the peace, order, and quiet; residential parking and vehicular and pedestrian safety; and real property values of the area located within 1,200 feet of the establishment. D.C. Code § 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2022).<sup>2</sup> During the hearing, the parties came to a general agreement regarding renewal and conditions. *Transcript (Tr.)*, October 26, 2022 at 6-8, 14, 90. Therefore, because the Board is satisfied that the presentation of the parties addresses all appropriateness concerns and that the conditioned hours are similar to the hours of other establishments in the neighborhood, the Board will memorialize the conditions through this Order.

### **FINDINGS OF FACT**

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:

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<sup>1</sup> For example, efforts to address global problems that may more efficient and cost effectively addressed through collective action or discussions with government entities on the part of the community and businesses could include: making a trash compactor available to all businesses; creating official taxi and rideshare stands; having rideshare apps direct people to appropriate pickup and drop off areas; establishing a police reimbursable detail for the area; adjusting the location of public trash bins; increasing the availability of public restrooms; banning certain types of traffic in specific areas or directing traffic in a specific direction where appropriate; making recommendations regarding soundproofing for businesses and residents; posting signage directing pedestrians down more appropriate pathways; coordinating the use and adoption of security cameras, etc.

<sup>2</sup> The Protest letter also raised the overconcentration of licenses in accordance with D.C. Official Code § 25-314; however, that is not a valid ground for a protest during renewal, as noted in part § 25-314(a). Therefore, this issue will not be addressed in the present Order.

## I. Background

1. Causa has submitted an Application to Renew a Retailer's Class CR License at 920 N Street, N.W., Washington, D.C. *Notice of Public Hearing*.
2. ABRA Investigator Kevin Puente investigated the Application and prepared the Protest Report submitted to the Board. *ABRA Protest File No. 22-PRO-00051, Protest Report* (Sept. 2022) [*Protest Report*].
3. The proposed establishment is in a RF-1 zone. *Id.* at 3. Thirty-one licensed establishments are located within 1,200 feet of the proposed location. *Id.* at 3. There are no schools or public libraries within 400 feet of the establishment. *Id.* at 5.
4. The establishment's hours of operation and alcohol sale hours are as follows: 10:00 a.m. to 2:00 a.m., Sunday through Thursday, and until 3:00 a.m. on Friday and Saturday.
5. ABRA investigators visited the establishment on various occasions between August 10, 2022, and September 3, 2022. *Id.* at 6-7. Investigators reported hearing patron noise in the alley and seeing no trash or litter in the area. *Id.* Metro bus and subway service is located near the establishment. *Id.* at 7-8. ABRA's records show that seven noise complaints were made against the establishment, but none have been substantiated. *Id.* at 7.
6. Causa is in a two-story brick building. *Id.* at Exhibit No. 5. A bar and restaurant table seating are located on the first floor. *Id.* at Exhibit No. 9. The rooftop has table seating with overhanging fabric tenting. *Id.* at Exhibit No. 16. Blagden Alley runs behind the establishment and other establishments. *Id.* at Exhibit No. 21. Various establishments have outdoor seating located on the alley. *Id.* at Exhibit Nos. 23-24.
7. Investigator Puente also monitored the establishment himself. *Tr.*, 10/26/2022 at 40. During one of his visits, he heard music from the establishment's speakers on the rooftop while standing in the alley, asked the business to turn it down, and they complied. *Id.* at 40, 47. He further noted that the alley was active during his visit, and he observed patrons standing in lines, patrons sitting in one establishment's summer garden, rideshare vehicles traversing the alley, and people loitering in the alley. *Id.* at 47. He further noted that many people used the alley as a cut through even if they were not patrons of the licensed businesses in the area. *Id.* at 48. He also observed that people in the alley could be loud at times. *Id.* at 52. He noted that he did not observe any unruly crowds leaving Causa. *Id.* at 53. Based on his knowledge and experience, most businesses in the area close at 1:00 a.m. or 12:30 a.m. *Id.* at 51. Investigator Puente was not aware of any violations committed by Causa while it has held a license with ABRA. *Id.* at 50.

## II. Chad Spangler

8. Chad Spangler owns Causa. *Id.* at 4, 60. Mr. Spangler indicated that the proposed closing times originally advocated for by the Protestants would threaten the profitability of the

establishment. *Id.* at 60. He noted that the business intends to operate primarily as a restaurant, not a bar. *Id.* at 61, 70, 73. The restaurant offers formal dinners with table service. *Id.* at 73. The establishment generally serves and focuses on Peruvian cuisine. *Id.* at 73-74, 76. Finally, the purpose of the entertainment endorsement is to offer Peruvian focused culture experiences. *Id.* at 77.

9. The first and second floor are approximately 1,500 square feet. *Id.* at 78. The first floor has 22 seats and generally offers a \$85 per person reservations, not including alcohol. *Id.* at 78. On the second floor, the establishment provides a “fish market experience” where guests can choose fresh fish “to order” featuring various hot and cold preparations. *Id.* at 79. The second floor also operates as a dining room where guests can order food “a la carte.” *Id.*

10. The owner indicates that the establishment is amenable to having its outdoor hours run from 10:00 a.m. to midnight; its alcohol sale hours run from 10:00 a.m. to 1:00 a.m.; and have its entertainment hours run from 10:00 a.m. to midnight. *Id.* at 63.

11. Mr. Spangler indicated that the establishment may build an enclosure for the summer garden if sufficient funding becomes available. *Id.* at 67. When built, the sides will be open and exposed. *Id.* at 68.

### **III. Amanda Gore**

12. Amanda Gore emphasized that the protest seeks to avoid disturbances at night, not revoke the license. *Id.* at 83. She noted that Causa’s backdoor is close to “someone’s house” and an apartment building. *Id.*

### **CONCLUSIONS OF LAW**

13. The Board may approve an Application to Renew a Retailer's Class CR License when the proposed establishment will not have an adverse impact on the neighborhood. D.C. Code §§ 25-104, 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2022). Specifically, the question in this matter is whether the Application will have a negative impact on the peace, order, and quiet; residential parking and vehicular and pedestrian safety; and real property values of the area located within 1,200 feet of the establishment. D.C. Code § 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2022).

14. The Board agrees with the parties that the conditions volunteered by the Applicant address all the appropriateness concerns raised by the Protestants. *Tr.*, 10/26/22 at 90. *See In re Dos Ventures, LLC, t/a Riverfront at the Ball Park*, Case No. 092040, Board Order No. 2014-512. ¶ 49 (D.C.A.B.C.B. Nov. 13, 2013) (saying “[i]n practice, the Board has imposed conditions when it is shown that there are valid concerns regarding appropriateness that may be fixed through the imposition of specific operational limits and requirements on the license”). Under § 25-104(e), the Board is granted the authority to impose conditions on a license when “. . . the inclusion of conditions will be in the best interest of the [neighborhood] . . .” D.C. Code § 25-104(e). Therefore, based on the consensus of the parties during the hearing, the Board will

impose the conditions offered by the Applicant, which shall be reflected in the Order section below.

**I. The Establishment's Record of Compliance Merits Renewal.**

15. Under § 25-315, “[t]he Board shall consider the licensee's record of compliance with this title and the regulations promulgated under this title and any conditions placed on the license during the period of licensure, including the terms of a settlement agreement.” D.C. Code § 25-315(b)(1). Based on this establishment record, the Board finds that Causa merits renewal of its license.

**II. The Application Satisfies All Remaining Requirements Imposed by Title 25.**

16. Finally, the Board is only required to produce findings of fact and conclusions of law related to those matters raised by the Protestants in their initial protest. *See Craig v. District of Columbia Alcoholic Beverage Control Bd.*, 721 A.2d 584, 590 (D.C. 1998) (“The Board's regulations require findings only on contested issues of fact.”); 23 DCMR § 1718.2 (West Supp. 2022). Because the parties expressed their agreement regarding renewal and the imposition of conditions during the hearing, the Board was not obligated to produce extensive findings of fact and conclusions of law as part of this proceeding. Accordingly, based on the Board's review of the Application and the record, the Applicant has satisfied all remaining requirements imposed by Title 25 of the D.C. Official Code and Title 23 of the D.C. Municipal Regulations.

**ORDER**

Therefore, the Board, on this 14th day of December 2022, hereby **APPROVES** the Application to Renew a Retailer's Class CR License at premises 920 N Street, N.W., filed by Causa, LLC, t/a Causa subject to the following **CONDITIONS**:

- (1) entertainment in the summer garden and any other outdoor seating area shall be prohibited;
- (2) the summer garden and all other outdoor seating at the establishment shall be limited to 10:00 a.m. to midnight;
- (3) the indoor hours of alcohol sale, service, and consumption shall be limited to 10:00 a.m. until 1:00 a.m.; and
- (4) the indoor hours of entertainment shall be limited to 10:00 a.m. until midnight.

**IT IS FURTHER ORDERED** that the Board's findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision.

The ABRA shall deliver a copy of this order to the Parties.

District of Columbia  
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
Key: ac43cb9eb9d5f09e4b730093d1dccc8

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com  
*James Short*  
Key: 547ae373f822de6ac8d1b332d2249ec

James Short, Member

eSigned via SeamlessDocs.com  
*Bobby Cato*  
Key: 256d3fcafb146d7f4b75bd7917d20c4

Bobby Cato, Member

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Rafi Crockett, Member

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*Jeni Hansen, Member*  
Key: 82172091f0508447491b56f9c2a41899

Jeni Hansen, Member

I concur with the majority of the Board that the license merits renewal but dissent to the imposition of a condition to restrict the indoor hours of the business.

eSigned via SeamlessDocs.com  
*Edward Grandis, Member*  
Key: 5027bdca7f9f0040ec14adeb525410e5

Edward S. Grandis, Member

Pursuant to D.C. Official Code § 25-433(d)(1), 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, Reeves Center, 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. 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, 430 E Street, N.W., Washington, D.C. 20001. However, the timely filing of a

Motion for Reconsideration pursuant to 23 DCMR § 1719.1 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).