

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

In the Matter of:)	
)	
Volo Buzzard Point, LLC)	Case No.: 24-PRO-00111
t/a Club Volo Sport & Social/Club Volo)	License No.: ABCA-129890
)	Order No.: 2025-090
Application for a New)	
Retailer's Class CT License)	
)	
at premises)	
20 Potomac Avenue, S.W.)	
Washington, D.C. 20024)	

BEFORE: Donovan Anderson, Chairperson
Teri Janine Quinn, Member
David Meadows, Member

PARTIES: Andrew Kline, Counsel, on behalf of Volo Buzzard Point, LLC, t/a Club Volo Sport & Social/Club Volo, Applicant

ANC Commissioner Fredrica Kramer and Bob Link, on behalf of Advisory Neighborhood Commission (ANC) 6D, Protestant

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

INTRODUCTION

The Alcoholic Beverage and Cannabis Board (Board) approves the Application for a New Retailer's Class CT License filed by Volo Buzzard Point, LLC, t/a Club Volo Sport & Social/Club Volo (hereinafter "Applicant" or "Volo") on the condition that the capacity does not exceed 3,000 persons (or the occupancy of the certificate of occupancy, whichever is lower) and file a security plan.

Procedural Background

The Notice of Public Hearing advertising Volo's Application was posted on September 27, 2024, and informed the public that objections to the Application could be filed on or before

November 12, 2023. *ABCA Protest File No. 24-PRO-00111*, Notice of Public Hearing [*Notice of Public Hearing*]. The records of the Alcoholic Beverage and Cannabis Administration (ABCA) indicate that Advisory Neighborhood Commission (ANC) 6D has filed a protest against the Application. *ABCA Protest File No. 24-PRO-00111*, Roll Call Hearing Results.

The parties came before the Board's Agent for a Roll Call Hearing on December 2, 2024, where the above-mentioned objector was granted standing to protest the Application. Finally, the Protest Hearing in this matter occurred on February 5, 2025.

The Board recognizes that an ANC's properly adopted written recommendations are entitled to great weight from the Board. D.C. Code §§ 1-309.10(d), 25-609; *Foggy Bottom Ass'n v. District of Columbia Alcoholic Beverage Control Bd.*, 445 A.2d 643, 646 (D.C. 1982). Accordingly, the Board "must elaborate, with precision, its response to the ANC[s] issues and concerns." *Foggy Bottom Ass'n*, 445 A.2d at 646. The Board notes that it received a properly adopted written recommendation from ANC 5E, which indicated that its protest is based on concerns regarding the Applicant's impact on peace, order, and quiet. The ANC's issues and concerns shall be addressed by the Board in its Conclusions of Law below.

Turning to the merits, 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 located within 1,200 feet of the establishment. D.C. Code § 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2024).

FINDINGS OF FACT

The following statements represent the Board's findings of fact based on the evidentiary record. In reaching its determination, the Board considered the evidence, the testimony of the witnesses, the arguments of the parties, and all documents comprising the Board's official file. The Board credits all testimony and evidence identified or cited below unless otherwise stated.

1. Volo has submitted an Application for a New Retailer's Class CT License at 20 Potomac Avenue, S.W., Washington, D.C. *Notice of Public Hearing*.
2. ABCA Investigator Leon Harris investigated the Application and prepared the Protest Report submitted to the Board. *ABCA Protest File No. 24-PRO-00111, Protest Report* (Jan. 2025) [*Protest Report*]. The proposed establishment is in a CG-4 zone. *Id.* at 3. There are 7 licenses located within 1,200 feet of the proposed location. *Id.* There are no schools or day care centers located within 400 feet of the establishment. *Id.* at 4.
3. The establishment's initial proposed hours of operation begin at 7:00 a.m. and end at 2:00 a.m. during the week and 3:00 a.m. on Friday and Saturday. *Id.* at 4. The sidewalk café and hours of sale, service, and consumption of alcohol are the same. *Id.*
4. ABCA investigators visited the area several times in January 2025 and observed no issues or concerns. *Id.* at 5. The premises have not been built or constructed at this time. *Id.* at 2.

5. Giovanni Marcantoni, the founder and CEO of the company, explained Volo’s business model. *Transcript (Tr.)*, February 5, 2025 at 35-36. The business provides opportunities for patrons to engage in social sports, such as pickleball, and to obtain food and beverages on-site. *Id.* at 43. The business caters to both adults and youth. *Id.* at 44. Volo currently operates two similar businesses in Baltimore and has operations in other cities. *Id.* at 46, 76.

6. Mr. Marcantoni estimates that despite the large capacity, the business will usually only have a few hundred customers per day. *Id.* at 46. The business intends to host large crowds and not focus on social sports when people attend sport events at Audi Field, which is nearby. *Id.* at 47, 52-53, 55. When hosting large crowds, the business will remove sports equipment, bring in security and staff, and set up televisions. *Id.* at 61. The business has hosted large events at its other facilities in other cities without incident. *Id.* at 62. There will also be security cameras present. *Id.* at 75.

7. Michael Sabracos serves as Volo’s vice-president of real estate and provided information about the layout of the facility. *Id.* at 70. The facility will feature volleyball courts with sand with netting to prevent balls from entering the streets. *Id.* at 72. The facility will also have pickleball courts on asphalt. *Id.* at 72. The entrance to the facility will be on Half Street, S.W., due to its proximity to a pickup and drop-off location. *Id.* The facility will be surrounded by a chain link fence. *Id.* at 74. The business will generally check people into the facility at its front entrance. *Id.* at 73. There also may be identification checks at the front, at the bar, or at both locations. *Id.*

8. Daniel Baynham serves as the general manager of Volo and provided information about the operations of the business. *Id.* at 78. When security is needed, the business has generally hired a local security contractor. *Id.* at 79. The business will also have on-site medical kits and has policies for trash management. *Id.* at 81. For large events, there may be approximately 30 to 50 security people and 30 to 40 staff persons present at the site. *Id.* at 84.

CONCLUSIONS OF LAW

9. The Board may approve an Application for a New 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. 2024). Specifically, the question in this matter is whether the Application will have a negative impact on the peace, order, and quiet. D.C. Code § 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2024).

I. The Burden of Proof Lies with the Applicant to Prove its Case Through Substantial Evidence.

10. The burden of proof in this matter is assigned to the Applicant. D.C. Code § 25-311(a). “. . . [T]he Applicant in meeting its burden may rely on the record as a whole, which includes information provided in the Protest Report and the Protestant’s case, and not just what the Applicant presents during its case-in-chief.” *In re The New 7307, t/a Premier Lounge*, Case No. 22-PRO-000222, Board Order No. 2022-701, ¶ 1 (D.C.A.B.C.B. Oct. 19, 2022) *citing Esgar Corp. v. Commissioner of Internal Revenue*, 744 F.3d 648, 655 (10th Cir. 2014); *see also*

Washington Metro. Area Transit Auth. v. Dist. of Columbia Dept. of Employment Services, 992 A.2d 1276, 1283 (D.C. 2010) citing *Dale v. S & S Builders, LLC*, 188 P.3d 554, 561 (Wyo. 2008) (saying in determining whether a party met its burden during an administrative hearing the court will look at the “record as a whole”). The Board further notes that where there is an “absence of evidence on an essential point [this] supports denial rather than granting of an application.” *Conrad v. Dist. of Columbia Alcoholic Beverage Control Bd.*, 21-AA-748, 2023 WL 163964, at *5 (D.C. Jan. 12, 2023).

II. Volo is Appropriate for the Neighborhood.

11. Under the appropriateness test, “the applicant shall bear the burden of proving to the satisfaction of the Board that the establishment for which the license is sought is appropriate for the locality, section, or portion of the District where it is to be located . . .” D.C. Code § 25-311(a). In determining appropriateness, the Board must consider whether the Applicant’s future operations will satisfy the reasonable expectations of residents to be free from disturbances and other nuisances—not just whether the Application complies with the minimum requirements of the law. D.C. Council, Bill 6-504, the “*District of Columbia Alcoholic Beverage Control Act Reform Amendment Act of 1986*,” Committee on Consumer and Regulatory Affairs, 38 (Nov. 12, 1986); see *Panutat, LLC v. D.C. Alcoholic Beverage Control Bd.*, 75 A.3d 269, 277 n. 12 (D.C. 2013) (“However, in mandating consideration of the effect on peace, order, and quiet, § 25-313(b)(2) does not limit the Board’s consideration to the types of noises described in § 25-725.”). As part of its analysis, the Board should evaluate each “unique” location “according to the particular circumstances involved” and attempt to determine the “prospective” effect of the establishment on the neighborhood. *Le Jimmy, Inc. v. D.C. Alcoholic Beverage Control Bd.*, 433 A.2d 1090, 1093 (D.C. 1981). Furthermore, the analysis may also include the Applicant’s efforts to mitigate or alleviate operational concerns, the “character of the neighborhood,” the character of the establishment, and the license holder’s future plans. *Donnelly v. District of Columbia Alcoholic Beverage Control Board*, 452 A.2d 364, 369 (D.C. 1982) (saying that the Board could rely on testimony related to the licensee’s “past and future efforts” to control negative impacts of the operation); *Upper Georgia Ave. Planning Comm. v. Alcoholic Beverage Control Bd.*, 500 A.2d 987, 992 (D.C. 1985) (saying the Board may consider an applicant’s efforts to “alleviate” operational concerns); *Citizens Ass’n of Georgetown, Inc. v. D.C. Alcoholic Beverage Control Bd.*, 410 A.2d 197, 200 (D.C. 1979); *Gerber v. D.C. Alcoholic Beverage Control Bd.*, 499 A.2d 1193, 1196 (D.C. 1985); *Sophia’s Inc. v. Alcoholic Beverage Control Bd.*, 268 A.2d 799, 800-801 (D.C. 1970).

a. Volo will not have a negative impact on peace, order, and quiet.

12. “In determining the appropriateness of an establishment, the Board shall consider . . . [t]he effect of the establishment on peace, order, and quiet, including the noise and litter provisions set forth in §§ 25-725 and 25-726.” D.C. Code § 25-313(b)(2); see also D.C. Code §§ 25-101(35A), 25-314(a)(4). Among other considerations, the Board is instructed to consider “noise, rowdiness, loitering, litter, and criminal activity.” 23 DCMR § 400.1(a) (West Supp. 2024).

13. In this case, Volo intends to create a business focused on social sports and large events. *Supra*, at ¶ 5. The ownership has managed similar businesses in other jurisdictions and there is no evidence in the record that these operations have caused problems for their respective communities. *Supra*, at ¶ 5. There is also no indication that Volo’s current plans for providing security or hosting large events are inadequate under the circumstances or that the operation of this type of venue would be detrimental to the community. Therefore, the Board finds that the Application will not have a negative impact on peace, order, and quiet and that objections to the Application are too speculative to merit crediting at this time.

III. The Application Satisfies All Remaining Requirements Imposed by Title 25.

14. 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. 2024). 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 26th day of February 2025, hereby **APPROVES** the Application for a New Retailer’s Class CR License. As a **CONDITION** of licensure, in accordance with D.C. Official Code § 25-104(e),

1. The maximum occupancy of the premises shall be 3,000 persons or the number listed on the certificate of occupancy, whichever number is lower, which is the occupancy considered by the Board in approving this application; and
2. In light of the large occupancy of the premises, the license holder shall file and comply with a security plan when in operation.

IT IS FURTHER ORDERED that the Applicant may apply to modify the terms of this Order by filing an application for a substantial change during or after its next renewal period.

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 omission of any testimony or evidence in the Board’s Order indicates that such testimony or evidence was contravened by the evidence or testimony credited by the Board, had no or minimal weight on the Board’s findings and conclusions, was irrelevant, was not credible, was not truthful, was repetitious, was too speculative, or was otherwise inappropriate for consideration.

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

District of Columbia
Alcoholic Beverage and Cannabis Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac430b06c9d5f0e4b790003d1dccc8

Donovan Anderson, Chairperson

Silas Grant, Jr., Member

Teri Janine Quinn

Teri Janine Quinn, Member

Ryan Jones, Member

David Meadows

David Meadows, 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 and Cannabis Administration, 899 North Capitol Street, N.E. Suite 4200-A, Washington, D.C. 20002.

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).