

Introduced by: Councilmember Clay

**RESOLUTION #2011-35
Alcoholic Beverage License Modification Request For
Come to Africa Restaurant**

- WHEREAS, Come to Africa Restaurant, at 6834 New Hampshire Avenue, has a Class B, Beer, Wine and Liquor alcoholic beverage license; and
- WHEREAS, the owner, Mr. Alphonse Attey, wishes to significantly enlarge the square footage of the restaurant, expand the kitchen, expand customer space and add restrooms; and
- WHEREAS, a major change in the size or hours of a facility with an alcoholic beverage license must get the approval of the Montgomery County Board of License Commissioners to continue to hold the license given the proposed change in operations; and
- WHEREAS, the Takoma Park Police Department has recently informed the Board of License Commissioners and the Takoma Park City Council that it had responded to numerous calls for service at the restaurant related to commotions in the parking lots, fights, public urination, and large numbers of persons congregating outside; and
- WHEREAS, the Takoma Park City Council wished to hear a presentation on the request by the restaurant's owner and make a recommendation to the Board of License Commissioners regarding that request; and
- WHEREAS, a presentation on the request was made to the City Council on July 5, 2011 and a public hearing was held on July 11, 2011; and
- WHEREAS, in addition to the testimony of the owner, written and/or verbal testimony was received from 13 persons; nine spoke in opposition and four spoke in favor of the requested expansion and related modification of the alcoholic beverage license; and
- WHEREAS, those speaking in opposition to the expansion contended that the business is a nightclub with food rather than a restaurant and that loud music in the late night and early morning hours; commotions outside of the restaurant, including fighting and arguing; and bright lights in the parking lot combine to disrupt the peacefulness of their homes immediately adjacent to the property on which the business is located; and
- WHEREAS, testimony by the owner stated that most customers do not arrive until after 10:00 pm and the business remains open until approximately 3:00 am; that there are frequently far more customers that want to enter than the space will allow; that customers go outside to smoke; that customers sometimes go outside to urinate because there are too few restrooms; that the kitchen is too small to prepare food quickly enough to satisfy customers; and that it has been difficult to get customers to come for lunch and dinner; and

WHEREAS, the owner and those speaking in favor of the expansion acknowledged and apologized for the disruptions but contended that a larger space, bigger kitchen and more bathrooms would allow enough room for the patrons to stay inside the building, thus minimizing noise from the frequently opened door to the parking lot, allowing for a greater ratio of food versus alcohol being consumed, and reducing the instances of urinating in public; and

WHEREAS, the owner also indicated that the recent use of security personnel and brighter lights has reduced the number of disruptions outside of the business; and

WHEREAS, the Takoma Park Police Chief noted that calls for service had been reduced since March of 2011; and

WHEREAS, after hearing the presentation by the owner, considering the materials submitted, and hearing the testimony of those in favor and those in opposition to the requested expansion, the City Council found:

- 1) The owner of Come to Africa Restaurant has taken steps to address problems raised by the Takoma Park Police Department in March, 2011; and
- 2) The business functions more as a nightclub than a restaurant; and
- 3) Residents living near the property continue to complain of noise, commotion outside of the business and bright lights; and
- 4) The City Council has no assurance that these problems will not continue; and

WHEREAS, based on these findings, the City Council voted to recommend denial of the alcoholic beverage license modification related to the proposed enlargement of the business given the short track record of improvement in addressing problems noted by the Takoma Park Police Department and residents and the need to make more improvements in addressing the continuing problems.

NOW, THEREFORE, BE IT RESOLVED THAT the Council of the City of Takoma Park urges the Montgomery County Board of License Commissioners to deny the request for the Class B alcoholic beverage license to be used for a larger Come to Africa Restaurant.

ADOPTED THIS 18TH DAY OF JULY, 2011.

Attest:

Jessie Carpenter, CMC
City Clerk