

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

_____)	
In the Matter of:)
)
18th Amendment, LLC)
t/a 18th Amendment)
)
Holder of a)
Retailer's Class CT License)
)
at premises)
613 Pennsylvania Avenue, S.E.)
Washington, D.C. 20003)
_____)	

License No. ABRA-072633
Order No. 2012-032

18th Amendment, LLC, t/a 18th Amendment (Licensee)

Neil Glick, Chairperson, Advisory Neighborhood Commission (ANC) 6B

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member
Jeannette Mobley, Member

ORDER ON AMENDMENT TO VOLUNTARY AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that 18th Amendment, LLC, t/a 18th Amendment (Licensee), and ANC 6B entered into a Voluntary Agreement (Agreement), dated November 10, 2010, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Voluntary Agreement (Amendment), dated December 15, 2011, in accordance with D.C. Official Code § 25-446 (2001).

The official records of the Board reflect that the Parties have agreed to amend their Voluntary Agreement, dated November 10, 2010, to add additional seating for the Licensee's sidewalk café.

18th Amendment, LLC
t/a 18th Amendment
License No. ABRA-072633
Page 2

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Neil Glick, on behalf of ANC 6B, are signatories to the Agreement.

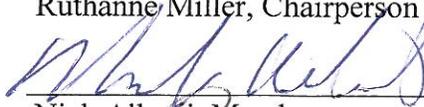
Accordingly, it is this 18th day of January 2012, **ORDERED** that:

1. The above-referenced Amendment to Voluntary Agreement, dated December 15, 2011, submitted by the Licensee and ANC 6B to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED**; and
2. Copies of this Order shall be sent to the Licensee and ANC 6B.

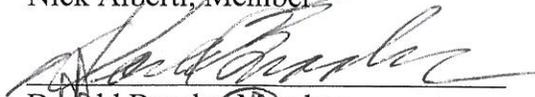
District of Columbia
Alcoholic Beverage Control Board



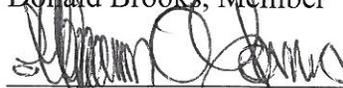
Ruthanne Miller, Chairperson



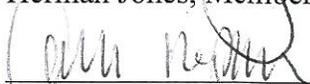
Nick Alberti, Member



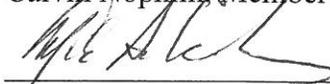
Donald Brooks, Member



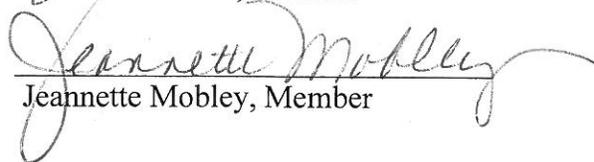
Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, Member



Jeannette Mobley, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.



ENCLOSURE
2011 DEC 22 10:12
RECEIVED
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

2011 DEC 22 10:12

APPROVED BY _____

921 Pennsylvania Ave., SE
Suite 305
Washington, DC 20003
202.543.3344
FAX 202.543.3507

December 19, 2011

OFFICERS

Chairperson
Neil Glick
Vice Chairperson
Ivan Frishberg
Secretary
Jared Critchfield
Treasurer
Carol Green
Parliamentarian
Brian Flahaven

Nick Alberti, Interim Chair
Alcoholic Beverage Regulation Administration
C/o Martha Jenkins
2000 14th Street, NW, Suite 400S
Washington, DC 20009

RE: 18th Amendment
License # ABRA-72633
Change to VA

Dear Mr. Alberti:

COMMISSIONERS

SMD 1 *David Garrison*
SMD 2 *Ivan Frishberg*
SMD 3 *Norman Metzger*
SMD 4 *Kirsten Oldenburg*
SMD 5 *Brian Pate*
SMD 6 *Jared Critchfield*
SMD 7 *Carol Green*
SMD 8 *Neil Glick*
SMD 9 *Brian Flahaven*
SMD 10 *Francis Campbell*
SMD 11 *Vacant*

At a regularly called and properly noticed (via postings at Southeast Library, Eastern Market, ANC 6B website, and ANC 6B's constituents emailing list) meeting on December 13, 2011, with a quorum present (6 being a quorum), ANC 6B voted (9 to 0) to support the above referenced application for 18th Amendment, located at 613 Pennsylvania Ave., SE, to amend their Voluntary Agreement to add additional seating for their sidewalk café.

Please find enclosed the Voluntary Agreement that has been executed by 18th Amendment and ANC 6B for your review and approval.

If you need further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil Glick".

Neil Glick
Chair, ANC 6B

Enclosure: Executed Voluntary Agreement

VOLUNTARY AGREEMENT

THIS VOLUNTARY AGREEMENT is made on this 15th day of December, 2011 by and between 18th Amendment, LLC, t/a 18th Amendment, Applicant, and Advisory Neighborhood Commission 6B.

WITNESSETH

WHEREAS, Applicant has applied for a substantial change to License # ABRA-072633 for premises, 613 Pennsylvania Ave SE, Washington, DC, 20003, which is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC, and,

WHEREAS, the Parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class C Tavern Liquor License at the subject premises; and,

WHEREAS, the Parties are desirous of entering into a Voluntary Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to promote the peace, order and quiet of the neighborhood. Both parties recognize the importance of business neighborhoods that are safe, clean, and "pedestrian friendly".

NOW, THEREFORE, the parties agree as follows:

1. ***Recitals Incorporated.*** The recitals set forth above are incorporated herein by reference.
2. ***Nature of the Business.*** The Applicant will manage and operate a CT license at the listed address in accordance with the terms of its license.
3. ***Hours of Operation and Sales.*** The Applicant's hours of operation shall be as follows:

Sunday – Thursday 10:00 a.m. – 2 a.m.

Friday and Saturday 10:00 a.m. – 3 a.m.

Hours of Entertainment:

Sunday – Thursday 6:00 p.m. – 2:00 a.m.

Friday and Saturday 6:00 p.m. – 3:00 a.m.

4. ***Sidewalk Café.*** Applicant will provide a sidewalk café with seating for no more than 14 patrons. Applicant agrees that it shall not seek to expand the capacity of the sidewalk café without amendment of this Agreement. The sidewalk café must maintain proper spacing (10 from the curb and 6 feet from the treebox) to allow for adequate pedestrian

passage on the sidewalk. The sidewalk café will close at 2:00 a.m. Sunday through Thursday and 3:00 a.m. on Saturday.

5. **Noise and Privacy.** Applicant will strictly comply with D.C. Official Code § 25-725 and to that end shall make architectural improvements to the property and take all necessary actions to ensure that noise and vibration from the Establishment are not audible outside the establishment at any time. Applicant will not operate the premises as a nightclub, dance venue, or similar venue.
6. **Public Space and Trash.** Applicant shall keep the sidewalk (up to and including the curb), tree box(es), curb, and alley clean and free of litter, bottles, and other debris in compliance with D.C. Code and Municipal Regulations. Applicant shall police these areas sufficiently to assure that refuse and other materials are promptly removed. Applicant shall ensure that the area around the dumpster is kept clean at all times and the dumpster is placed such that it does not encroach on the abutting property owners and that no garbage is placed on the abutting property. Commercial trash pick up in residential areas will only take place between 7 a.m.-9 p.m.
7. **Rats and Vermin Control.** The Applicant shall provide rat and vermin control for its property. Applicant shall provide proof of its rat and vermin control contract upon the request of the Board. Applicant shall have the Establishment and the area around the Premises properly cleaned at the end of each night to ensure no garbage and odors are present the following morning.
8. **Security Cooperation in Stemming Illegal Drugs and Public Drinking.** Applicant agrees that it shall take all necessary steps to minimize such problems, including, without limitation, designating a sufficient number of employees to assure adequate security and to control unruly patrons, whether inside or in the immediate outside area; monitoring for and prohibiting sales or use of illegal drugs within or about the Premises, maintaining contact and cooperating with MPD and other enforcement officials when known or suspected drug activities occur. Applicant shall, to the full extent permissible by law, discourage loitering in the vicinity of the Premises. This will include providing an appropriate number of security officers, at all times when the Establishment is open to the public, who shall be responsible for ensuring that any individuals who are simply loitering are asked to move along.

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.

Applicant: 18th Amendment, LLC
t/a 18th Amendment
613 Pennsylvania Ave, SE
Washington, DC 20003
Attn: Mark Menard
202-391-1176



(Signature)

ANC:

Advisory Neighborhood Commission 6B

921 Pennsylvania Ave SE

Washington, DC 20003

Neil Glick, Chair

202-543-3344

for

David Green

(Signature)