

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

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In the Matter of:)	
)	
Canal 5, LLC)	
t/a Bavarian Beer Garden)	
)	
Applicant for a New)	Case No. 10-PRO-00183
Retailer's Class CT License)	License No. ABRA-085710
)	Order No. 2011-089
at premises)	
720 L Street, S.E.)	
Washington, D.C. 20003)	
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Canal 5, LLC, t/a Bavarian Beer Garden ("Applicant")

David Garrison, Chairperson, Advisory Neighborhood Commission (ANC) 6B

BEFORE: Charles Brodsky, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

**ORDER ON VOLUNTARY AGREEMENT AND
WITHDRAWAL OF PROTEST**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Canal 5, LLC, t/a Bavarian Beer Garden ("Applicant"), filed an Application for a new Retailer's Class CT License located at 720 L Street, S.E., Washington D.C., and Chairperson David Garrison, on behalf of ANC 6B, have entered into a Voluntary Agreement, dated January 11, 2011, setting forth the terms and conditions that govern the operation of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson David Garrison, on behalf of ANC 6B, are signatories to the Agreement. This Agreement constitutes a withdrawal of the Protest filed by ANC 6B of this Application.

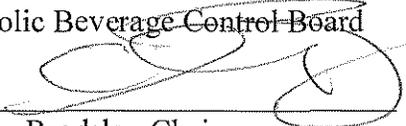
Canal 5, LLC
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Accordingly, it is this 26th day of January 2011, **ORDERED** that:

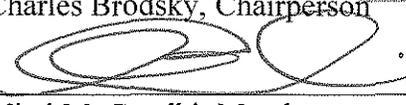
1. Canal 5, LLC, t/a Bavarian Beer Garden (“Applicant”), for a new Retailer’s Class CT license located at 720 L Street, S.E., Washington, D.C., is **GRANTED**;
2. The Protest of ANC 6B in this matter is hereby **WITHDRAWN**;
3. The above-referenced Voluntary Agreement submitted by the Parties to govern the operations of the Applicant’s establishment are **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Applicant and ANC 6B.

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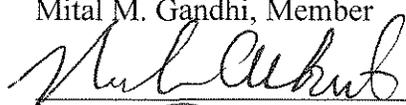
District of Columbia
Alcoholic Beverage Control Board



Charles Brodsky, Chairperson



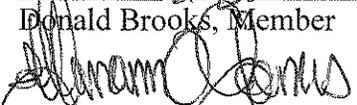
Mital M. Gandhi, Member



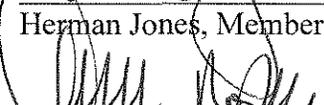
Nick Alberti, Member



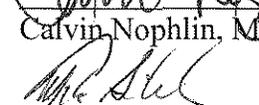
Donald Brooks, Member



Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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, 1250 U Street, N.W., Third Floor, Washington, DC 20009.

VOLUNTARY AGREEMENT

THIS VOLUNTARY AGREEMENT is made on this 11 day of January, 2011 by and between Canal 5, LLC t/a Bavarian Beer Garden and Advisory Neighborhood Commission 6B.

WITNESSETH

WHEREAS, Applicant has applied for a new CT license, ABRA-085710, with an entertainment endorsement and summer garden endorsement, for the premises at 720 L Street, SE, Washington, DC, 20003, which is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, Advisory Neighborhood Commission 6B is protesting the license, and

WHEREAS, the premises is within the boundaries of the ANC, 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 with an entertainment endorsement and summer garden at the listed address. Applicant will have live music and space for dancing.
3. ***Hours of Operation and Sales.*** The Applicant’s hours of operation shall be as follows:

Sunday – Thursday 11 a.m. – 1 a.m.

Friday and Saturday 11 a.m. – 3 a.m.

Hours of Entertainment (Indoors):

Sunday 12:00 p.m. – 12:00 a.m.

Monday through Thursday 6:00 p.m. – 12:00 am

Friday, Saturday and Holidays 12:00 p.m. – 2:00 a.m.

Hours of Summer Garden Entertainment and (Outdoor) Dancing:

Sunday 12 p.m. to 11 p.m.

Monday – no entertainment

Tuesday through Thursday 12:00 p.m. – 11:00 p.m.

Friday, Saturday and Holidays 11:00 a.m. – 1:00 am

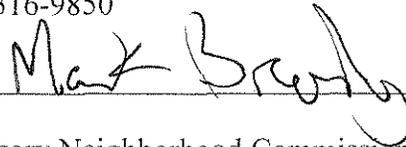
4. **Noise and Privacy.** Applicant will strictly comply with D.C. Official Code § 25-725 Applicant will not operate the premises as a nightclub.
5. **Public Space and Trash.** Applicant shall keep the sidewalk (up to and including the curb), tree box(es), curb, and alley clean and free of litter, bottles, 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 removed in a timely manner. 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.
6. **Rats and Vermin Control.** The Applicant shall provide rat and vermin control for its property as necessary per code. Applicant shall have the Establishment and the area around the premises properly cleaned at the end of each night.
7. **Security Cooperation in Stemming Illegal Drugs and Public Drinking.** Applicant agrees that it shall take all necessary steps to minimize such problems including designating a sufficient number of employees to assure adequate security and to control unruly patrons; monitoring for and prohibiting sales or use of illegal drugs within 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.
8. **Notice and Opportunity to Cure.** In the event that any of the parties is in breach of this Agreement, such party shall be entitled to reasonable notice and opportunity to cure, as a condition precedent to seeking enforcement of this Agreement. Unless the breach is of an emergency nature the parties shall have 30 days to cure from the date of notice (or, with respect to a breach which reasonably requires more than 30 days to cure, fails to commence cure and diligently pursues such cure.) Notice shall be in writing and mailed via certified mail, return receipt requested, postage prepaid, or hand-delivered to the other party at the following address. Notice shall be deemed given as of the time of receipt or refusal of receipt.

The Protestants hereby withdraw their protest by signatures below, subject to the ABC Board's approval of this Voluntary Agreement.

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

Applicant: Canal 5, LLC
Bavarian Beer Garden
720 L Street, SE
Washington, DC 20003

Mark Brody, Managing Member
202-316-9850

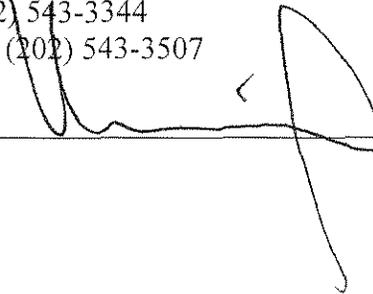
 (Signature)

ANC:

Advisory Neighborhood Commission
703 D Street, SE
Washington, DC 20003
, Chairperson

(202) 543-3344

Fax (202) 543-3507

 (Signature)

ANC 6B

Capitol Hill / Southeast

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
REGULATORY ADMINISTRATION

2011 JAN 14 P 2:07

REC'D BY LS

703 D Street, SE
Washington, DC 20003
202.543.3344
FAX 202.543.3507

January 12, 2011

OFFICERS

Chairperson
Neil Glick

Vice Chairperson
Ivan Frishberg

Secretary
Jared Critchfield

Treasurer
Carol Green

Parliamentarian
Brian Flahaven

Charles Brodsky, Chair
ABC Board
C/o Martha Jenkins
1250 U Street, NW, 3rd Floor
Washington, DC 20009

**RE: Bavarian Beer Garden
Application # ABRA-085710
720 L Street, SE
Cooperative (Voluntary) Agreement**

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*

Dear Mr. Brodsky:

At its regularly scheduled and properly noticed meeting on January 11, 2011, with a quorum present, ANC 6B voted (7 to 3) to rescind its oppose/protest to the application of Bavarian Beer Garden for a new liquor license.

The Commission reached this decision after meetings with the Bavarian Beer Garden owner and having reached an agreement regarding their operations, and the execution of a Cooperative (Voluntary) Agreement to address the issues. To this end, enclosed is the Cooperative (Voluntary) Agreement that has been executed by Bavarian Beer Garden and ANC 6B for your review and approval. Therefore, ANC 6B rescinds its opposition/protest to Bavarian Beer Garden being granted a new liquor license.

Please contact me should you have any questions regarding this matter.

Sincerely,

Neil Glick
Chair, ANC 6B

Enclosure: Cooperative (Voluntary) Agreement