THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:	)	
	)	
Young Hwa Corporation	)	
t/a Pennsylvania Avenue Market	)	
	)	
Application for Renewal of a	)	Case No. 11-PRO-00083
Retailer's Class B License	)	License No. ABRA-079255
	)	Order No. 2012-116
at premises	)	
1501 Pennsylvania Avenue, S.E.	)	
Washington, D.C. 20003	)	
	)	

Young Hwa Corporation, t/a Pennsylvania Avenue Market (Applicant)

Andrew Jared Critchfield, Chairperson, on behalf of 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 VOLUNTARY AGREEMENT AND WITHDRAWAL OF ANC 6B'S PROTEST

The Application filed by Young Hwa Corporation, t/a Pennsylvania Avenue Market, for renewal of its Retailer's Class B License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on December 5, 2011 and a Protest Status Hearing on January 25, 2012, in accordance with D.C. Official Code § 25-601 (2001).

The Applicant and ANC 6B have entered into a Voluntary Agreement (Agreement), dated March 13, 2012, setting forth the terms and conditions that govern the operation of the Applicant's establishment. The Agreement includes a ban on two (2) or three (3) packs of beer, which begins thirty (30) days following approval by the Board.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Andrew Jared Critchfield, 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.

Accordingly, it is this 4th day of April, 2012, **ORDERED** that:

1. The Application filed by Young Hwa Corporation, t/a Pennsylvania Avenue Market, for renewal of its Retailer's Class B License, located at 1501 Pennsylvania Avenue, S.E., Washington, D.C., is **GRANTED**;

2. The Protest of ANC 6B in this matter is hereby **WITHDRAWN**;

3. The ban on two (2) or three (3) packs of beer will begin thirty (30) days from date of this Order;

4. The above-referenced Voluntary Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and

5. Copies of this Order shall be sent to the Applicant 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.

ANC 6B
Capitol Hill / Southeast

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
REGULATION ADMINISTRATION

2012 MAR 22 P 4: 45

REC'D BY _____

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

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March 14, 2012

Ruthanne Miller, Chairperson
ABC Board
2000 14th Street, NW
Suite 400S
Washington, DC 20009

RE: Pennsylvania Avenue Market
Application # ABRA-079255
1501 Pennsylvania Avenue, SE
Rescinding Opposition to Renewal

Dear Ms. Miller:

At a regularly called and properly noticed meeting on March 13, 2012, ANC 6B voted 9-0 to support rescinding its opposition to the application to renew the Pennsylvania Avenue Market license. To this end, enclosed is the Voluntary Agreement that has been executed by Pennsylvania Avenue Market and ANC 6B for your review and approval. Therefore, ANC 6B rescinds its opposition to the license renewal of Pennsylvania Avenue Market.

Additionally, ANC 6B voted 9 -0 to request ABRA make the effective date for no sales of 2 packs or 3 packs 30 days after the date of the Board order so Pennsylvania Avenue Market can sell off its existing stock.

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

Sincerely,

Bert Randolph for
Andrew Jared Critchfield, Ph.D.
Chair

Enclosure: Voluntary Agreement

VOLUNTARY AGREEMENT

This Agreement made March 13, 2012, by and between Young Hwa Corporation, t/a Pennsylvania Avenue Market and Advisory Neighborhood Commission 6B.

WITNESSETH

WHEREAS, renewal of Applicant's Retailers Class "B" license, ABRA-079255, for premises at 1501 Pennsylvania Avenue SE, Washington, DC 20003 is now pending before the District of Columbia Alcoholic Beverage Control Board; and

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

WHEREAS, ANC 6B is protesting the renewal of the license; and

WHEREAS the parties desire to enter into an agreement governing certain understandings regarding the Retailers' Class "B" license, at the subject premises

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 Retailer's Class B license under the following provisions:

A. The Applicant will comply with all laws and regulations governing the operations of the establishment at 1501 Pennsylvania Ave, SE.

B. The Applicant will not divide a manufacturer's package of more than one container of beer, malt liquor, or ale, to sell an individual container of the package if the container is less than 70 ounces.

C. The Applicant will not sell, give, offer, expose for sale, or deliver an individual container <u>or</u> two pack <u>or</u> three pack of beer, malt liquor, or ale if the containers are less than 70 ounces.

D. The Applicant will not sell or provide cups or single servings of ice.

E. The Applicant's hours of operation and sales are 9:00 a.m. – 10:00 p.m. and Applicant will not sell alcohol before or after these hours.

F. The Applicant agrees to post this agreement alongside the ABC license.

3. ***Signage, Noise and Privacy***.

Applicant will prohibit and prevent loitering, rowdiness, criminal activity, panhandling and all illegal activity within 100 feet of the establishment by:

A. Maintaining a "No Loitering/Panhandling" sign on the outside of the establishment, and
B. Posting a notice, kept in good repair and visible from point of entry, which states:
    a. The minimum age requirement for purchase of alcohol,
    b. The obligation of the patron to produce a valid identification document in order to purchase alcohol.
C. Requesting loiterers to move on when they are observed outside the establishment.
D. Calling the Metropolitan Police Department (MPD) when illegal activity is observed inside or outside the premises.
E. Keeping a written record of dates and times when MPD is called for assistance.
F. Applicant will ensure timely disposal of trash that is the least disruptive to the neighbors and ensure that commercial trash pick up will only take place between 7:00 am and 7:00 pm.
G. Applicant will install flood lights and cameras on the exterior of the building, and ensure they are in good working order at all times.

4. ***Public Space Cleanliness and Maintenance.***

Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:

A. Exercising due diligence to prevent and or/rid vermin infestation in and around the establishment,
B. Picking up trash, including beverage bottle and cans, and all trash, both before the store opens and near closing time, and as needed between those hours,
C. Adding trash receptacles outside the building, as needed,
D. Removing snow and ice from sidewalks fronting the premises, within the time limits set by the District of Columbia for removal, and
E. Tending to tree boxes in the area surrounding the subject premises.

5. Final Agreement and Modification

This agreement supersedes all other agreements between the Parties, and shall constitute the only agreement between the Parties. For purposes of DC Official Code Section 25-446(d)(2)(B), the date of the ABC Board's approval of this agreement shall be considered its initial approval of this Agreement and shall commence the applicable period.

6. Withdrawal of Protest

ANC 6B withdraws its protest, provided that this Agreement is incorporated into the Board's

Order approving the Agreement.

By signature below, the Parties agree to the terms of this agreement and settlement of the Protest.

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

Applicant: Young Hwa Corporation
Pennsylvania Avenue Market
1501 Pennsylvania Ave, SE
Washington, DC 20003
Attn: Ju Boon Lee

_____(Signature)
(TAE K. LEE)

ANC: Advisory Neighborhood Commission
921 Pennsylvania Avenue SE
Ste 305
Washington, DC 20003
Andrew Jared Critchfield, Chairperson
(202) 543-3344

_____(Signature)