

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

**In the Matter of:**

Po Boys Kitchen, LLC

t/a Po Boys Kitchen

Applicant for a New  
Retailer's Class CR License

at premises

709 H Street, N.E.

Washington, D.C. 20002

Case No. 11-PRO-00048

License No. ABRA-087903

Order No. 2012-072

Po Boys Kitchen, LLC, t/a Po Boys Kitchen (Applicant)

Tony Richardson, Commissioner, on behalf of Advisory Neighborhood Commission (ANC) 6C

Seth Johnson and Georgia Ardalan, on behalf of A Group of Five or More Individuals

**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 PROTESTS  
OF ANC 6C AND A GROUP OF FIVE OR MORE INDIVIDUALS**

The Application filed by Po Boys Kitchen, LLC, t/a Po Boys Kitchen (Applicant), for a new Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on November 14, 2011 and a Protest Status Hearing on December 14, 2011, in accordance with D.C. Official Code § 25-601 (2001).

The Applicant and ANC 6C have entered into a Voluntary Agreement, dated January 31, 2012, setting forth the terms and conditions that govern the operation of the Applicant's establishment.

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The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Commissioner Tony Richardson, on behalf of ANC 6C, are signatories to the Agreement.

This Agreement also constitutes a withdrawal of the Protest filed by ANC 6C of this Application.

On January 31, 2012, Seth Johnson and Georgia Ardalan, on behalf of the Group of Five or More Individuals, submitted an email indicating that due to Applicant's withdrawal of its request for an entertainment endorsement and the terms of the Applicant and 6C's Voluntary Agreement, dated January 31, 2012, the Group of Five or More Individuals withdraw their Protest.

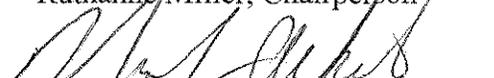
Accordingly, it is this 22nd day of February 2012, **ORDERED** that:

1. The Application filed by Po Boys Kitchen, LLC, t/a Po Boys Kitchen, for a new Retailer's Class CR License, located at 709 H Street, N.E., Washington, D.C., is **GRANTED**;
2. The Protests of ANC 6C and the Group of Five or More Individuals in this matter are hereby **WITHDRAWN**;
3. The above-referenced Voluntary Agreement submitted by the Applicant and ANC 6C to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED**; and
4. Copies of this Order shall be sent to the Applicant, ANC 6C, and Seth Johnson and Georgia Ardalan, on behalf of A Group of Five or More Individuals

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District of Columbia  
Alcoholic Beverage Control Board

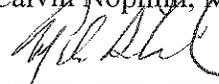
  
Ruthanne Miller, Chairperson

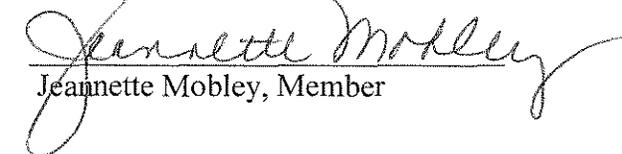
  
Nick Alberti, Member

  
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 14<sup>th</sup> Street, N.W., Suite 400S, Washington, D.C. 20009.

## VOLUNTARY AGREEMENT

**THIS AGREEMENT** is made and entered into as of this 31 day of June, 2012 by and between PO Boy Kitchen (hereinafter the "Applicant"), Advisory Neighborhood Commission 6C, (hereinafter the "ANC").

**WHEREAS**, Applicant having filed an application with the District of Columbia Alcoholic Beverage Control Board (hereinafter "ABC Board") for issuance of a Retailer's Class CR license for premises of 709 H Street, N.E., Washington, D.C.

**WHEREAS**, in recognition of the ABC Board's policy of encouraging parties to a protested proceeding to settle their differences by negotiating agreements, the parties hereto being desirous of entering into an agreement whereby, subject to approval of the ABC Board, Applicant will agree to adopt certain measures to address the Protestants' concerns and Protestants' will agree to the issuance of the ABC License and withdraws their Protests.

### Definitions:

- a. "Licensee" or "Applicant" means applicant(s) for ABRA license AND any future operators of this facility.
- b. "Agreement" means this Voluntary Agreement.
- c. "Premises" means 709 H Street NE and all operations therein.

**NOW, THEREFORE**, in consideration of the mutual covenants and undertakings memorialized herein, the parties agree as follows:

1. **Nature of Business:** Applicant will operate at all times as a bona-fide Class CR Restaurant (as such term is defined in ABC statutes and regulations). Applicant will not make its premises available to non-employee promoters for presentation of advertised "parties" or "events" intended to generate profit for such promoters. However, such latter restriction shall not preclude Applicant from closing its premises to the general public from time to time in order to accommodate invitation only private functions.
2. **Hours of Operation:** Licensee operating hours for business shall not exceed the hours of 7:00am to 2:00am daily, provided, however, that if legal serving hours shall be extended by legislative action on a temporary basis, for a special event, or special weekend, such as by way of example, Obama Inauguration weekend in 2009, Applicant may avail itself of the extended temporary hours, without amendment to this agreement. The outside rear courtyard shall close at 10:00 p.m. Sunday-Thursday and 11:00 p.m., Friday and Saturday.

X

3. **Noise Suppression:** Licensee acknowledges that Protestants are particularly concerned regarding the potential for noise emanating from the building. Licensee recognizes the sensitive nature of this property with close proximity to residential properties to the rear of the building. The rear French doors, on the second floor, shall be kept closed after 10:00pm. Sunday-Thursday, and ~~11:00 midnight~~ <sup>11:00 p.m.</sup> on Friday and Saturday. *RMA*

4. **Parking:** The Licensee will encourage employees to take public transportation and not to park on surrounding residential streets.

5. **Deliveries:** To maintain the peace, order and quiet of the surrounding neighborhood, Licensee shall receive all deliveries of food, beverages and supplies during hours between 9:00 am and 5:00 pm Mondays – Fridays. No deliveries shall be accepted on weekends.

6. **Trash Pick-Up and Removal:** Licensee will maintain regular trash/garbage removal service only during the hours from 9:00 am to 5:00 pm. All trash and garbage shall be stored in an area not visible to neighbors until it is to be picked up by Licensee's hauler. The Licensee shall keep dumpster lids tightly closed. There shall be no outdoor disposal of glass bottles after 9:00pm.

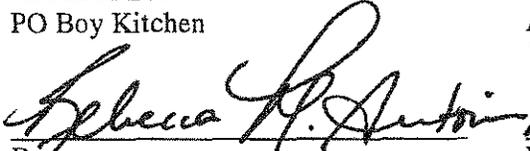
7. **Withdrawal of Protest.** Protestants agree to the issuance of the license and the withdrawal of their protests upon execution of this Agreement, provided that this Voluntary Agreement is incorporated into the Board's order issuing, amending or renewing the license, which order is thereby conditioned upon compliance with such Voluntary Agreement.

8. **Right to Seek Redress:** The parties agree that Licensee will be given written notice of any alleged violation of this Agreement and will be afforded ten (10) days in which to investigate and respond to any complaint. The parties agree that if any complaint of violation of this Agreement is not so resolved, then any failure of the Applicant to adhere to the foregoing commitments will constitute a breach of this agreement and grounds for the Protestant to petition the Board for issuance of an order to Show Cause, as provided by D.C. Code 25-446(e).

IN WITNESS WHEREOF, the Parties place their signatures to this agreement, this 31 day  
of January, 2012

APPLICANT:  
PO Boy Kitchen

ADVISORY NEIGHBORHOOD COMMISSION 6C

  
By: Rebecca M. Antoine

  
By: \_\_\_\_\_

M. Tony Richardson  
Commissioner ANC 6C05