

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

In the Matter of:)

Hayden's, Inc.)
t/a Hayden's)

Application for Renewal of the)
Single Sales Exception to a)
Retailer's Class A License)

License No. ABRA-000437
Order No. 2012-297

at premises)
700 North Carolina Avenue, S.E.)
Washington, D.C. 20003)

Hayden's, Inc., t/a Hayden's (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

**ORDER ON APPLICATION FOR RENEWAL
OF THE SINGLE SALE EXCEPTION AND VOLUNTARY AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Hayden's, Inc., t/a Hayden's (Applicant), located at 700 North Carolina Avenue, S.E., Washington, D.C., Applicant for a Renewal of the Exception to Single Sales Restriction, and ANC 6B entered into a Voluntary Agreement (Agreement), dated May 8, 2012, setting forth the terms and conditions that govern the operation of the Applicant's establishment.

The Board considered several factors in reaching its decision. This included the absence of any primary or secondary tier violations preceding the date of the Application and ANC 6B supports this request, as demonstrated in its letter, dated June 14, 2012, indicating that ANC 6B supports the Applicant's Application for an Exception to Single Sales Restriction.

For these reasons, the Board finds no significant adverse impacts and grants the Application.

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.

Accordingly, it is this 27th day of June, 2012, **ORDERED** that:

1. The Application filed by Hayden's, Inc., t/a Hayden's, for Renewal of the Exception to the Single Sales Restriction at the location of 700 North Carolina Avenue, S.E., Washington, D.C., is **GRANTED**;
2. The Board's approval of this Application is perpetual;
3. 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, except for the following modifications:

Section 2 (b) (Nature of the Business) shall be removed.

Section 2 (c) shall be removed.

Section 2 (g) – The following sentence shall be modified to read as follows: “Any change from this model concerning hours of sales will be of great concern to nearby residents.”

The parties have agreed to these modifications.

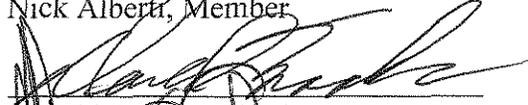
4. Copies of this Order shall be sent to the Applicant and ANC 6B.

Hayden's, Inc.
t/a Hayden's
License No. ABRA-000437
Page 3

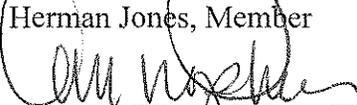
District of Columbia
Alcoholic Beverage Control Board

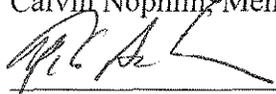

Ruthanne Miller, Chairperson


Nick Alberti, Member


Donald Brooks, Member


Herman Jones, Member


Calvin Nophlin, Member


Mike Silverstein, Member

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, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.

ANC 6B

Capitol Hill / Southeast

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD
REGULATORY SERVICES DIVISION

017 MAY 10 P 5 33

REC'D BY _____

921 Pennsylvania Avenue SE
Suite 305
Washington, DC 20003
202.543.3344
fax 202.543.3507
office@anc6b.org

May 9, 2012

OFFICERS

Chairperson
Andrew Jared Critchfield

Vice Chairperson
Ivan Frishberg

Secretary
Brian Pate

Treasurer
Carol Green

Parliamentarian
Brian Flahaven

Ruthanne Miller, Chair
Alcoholic Beverage Control Board
2000 14th Street NW
Suite 400S
Washington, DC 20009

RE: License renewal for Hayden's, Inc.
ABRA-000437

COMMISSIONERS

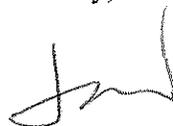
SMD 1 *David Garrison*
SMD 2 *Ivan Frishberg*
SMD 3 *Norman Metzger*
SMD 4 *Kirsten Oldenburg*
SMD 5 *Brian Pate*
SMD 6 *Andrew Jared Critchfield*
SMD 7 *Carol Green*
SMD 8 *Neil Glick*
SMD 9 *Brian Flahaven*
SMD 10 *Francis Campbell*

Dear Ms. Miller:

At a public meeting, properly noticed, with a quorum present, ANC 6B voted 9-0 to support the renewal of the above listed license. Enclosed, please find the new Voluntary Agreement signed by the licensee and ANC6B.

Should you have questions about this matter, please contact our ABC Committee Chair Commissioner Carol Green at Carol6b07@anc6.org or 202-546-2051.

Sincerely,



Andrew Jared Critchfield, Phd.
Chair, ANC 6B

VOLUNTARY AGREEMENT

This Voluntary Agreement is made on the 8th day of May, 2012 by and between Hayden's, Inc., and Advisory Neighborhood Commission 6B.

WHEREAS, Applicant's renewal for a Retailer's Class A license ABRA-000437 is now pending before the District of Columbia Alcoholic Beverage Control Board; and,

WHEREAS, the premises located at 700 North Carolina Ave SE, is within the boundaries of the ANC; and

WHEREAS, the Parties desire to enter into an agreement governing certain understandings regarding the issue of the license; 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 Retailer's Class A license under the following provisions:
 - a. The Applicant will comply with all laws and regulations governing the operations of the establishment.
 - 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, a two pack or three pack of beer, malt liquor, or ale if the container is 70 ounces or less, and will not sell spirits in half-pints or smaller volumes.
 - d. The Applicant will not allow the illegal public consumption of alcohol in or around its immediate area and will participate in an ABC Board-approved course in alcoholic beverage sales management.
 - e. The Applicant will not sell or provide cups or single servings of ice.

- f. The Applicant agrees to post this Voluntary Agreement alongside his ABC license.
- g. Any change from this model concerning hours of sales will be considered by both parties to be a substantial change in operations, and of great concern to nearby residents.

3. **Hours of Operation and Sales.** The hours of operation shall be as follows:

Monday – Saturday 11:00 a.m - 8:30 p.m.

- a. **Signage, Noise and Privacy.** Applicant will strictly comply with D. C. Official Code and will prohibit and prevent loitering, rowdiness, panhandling and criminal activity within 100 feet of the establishment, to the best of its ability by:
 - b. Maintaining a “No Loitering/Panhandling” sign on the outside of the establishment, and
 - c. Posting a notice kept in good repair and visible from point of entry, a sign which states
 - i. the minimum age requirement for purchase of alcohol,
 - ii. the obligation of the patron to produce a valid identification document in order to purchase alcohol, and
 - d. Requesting loiterers to move on whenever they are observed outside of the establishment, and
 - e. Calling MPD to remove loiterers if they refuse Applicant’s request to move on or if illegal activity is observed, and
 - f. Keeping a written record of dates and times when MPD is called for assistance. Applicant’s log shall be provided to the Board upon request, and
 - g. Applicant will ensure timely disposal of trash that is the least disruptive to the neighbors and that commercial trash pick up will only take place between 7:00 a.m and 7:00 p. m.

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, including following the recommendations and guidelines of the Vector Control Division of the Department of Public Works.

- b. Picking up trash, including beverage bottles and cans, and all trash on a regularly basis.
- c. Maintaining regular trash removal service and ensuring the area around the trash can is kept clean at all times.
- d. Removing snow and ice from sidewalks fronting the establishment within the time limits set by the District of Columbia.
- e. Planting, watering and generally tending to tree boxes in front of the premises, if any.

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

Applicant

Hayden's, Inc.
700 North Carolina Ave SE
Washington, DC 20003
Phone 202-544-1000
Thomas Bowes, owner



ANC

Advisory Neighborhood Commission 6B
921 Pennsylvania Ave SE
Ste 305
Washington, DC 20003
202-543-3344
Chair, Andrew Jared Critchfield, Ph.D.