

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

In the Matter of:)	
)	
Pound the Hill, Inc.)	
t/a Pound The Hill)	
)	
Applicant for a New)	License No. ABRA-088067
Retailer's Class DR License)	Order No. 2011-492
)	
at premises)	
621 Pennsylvania Avenue, S.E.)	
Washington, D.C. 20003)	

Pound the Hill, Inc., t/a Pound The Hill (Applicant)

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

BEFORE: Nick Alberti, Interim Chairperson
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

ORDER ON VOLUNTARY AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Pound the Hill, Inc., t/a Pound The Hill, Applicant for a new Retailer's Class DR License located at 621 Pennsylvania Avenue, S.E., Washington, D.C., and ANC 6B, have entered into a Voluntary Agreement (Agreement), dated November 8, 2011, that governs 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 Neil Glick, on behalf of ANC 6B, are signatories to the Agreement.

Pound the Hill, Inc.
t/a Pound The Hill
License No. ABRA-088067
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Accordingly, it is this 7th day of December 2011, **ORDERED** that:

1. The above-referenced Voluntary Agreement submitted by the Applicant and ANC 6B to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
2. Copies of this Order shall be sent to the Applicant and ANC 6B.

Pound the Hill, Inc.
t/a Pound The Hill
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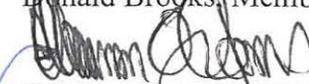
District of Columbia
Alcoholic Beverage Control Board



Nick Alberti, Interim Chairperson



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, DC 20009.



OFFICE OF THE SECRETARY
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

2011 NOV 18 P 4:17

RECEIVED

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

November 16, 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: Pound The Hill
License # ABRA-088067
New License

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 November 8, 2011, with a quorum present (6 being a quorum), ANC 6B voted (8-0-1) to support the above referenced application for Pound The Hill, located at 621 Pennsylvania Avenue, SE, new Class D liquor license.

Please find enclosed the Voluntary Agreement that has been executed by Pound The Hill 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 that reads "Neil Glick". The signature is written in a cursive, flowing style.

Neil Glick
Chair, ANC 6B

Enclosure: Executed Voluntary Agreement

VOLUNTARY AGREEMENT

THIS VOLUNTARY AGREEMENT is made on the 8th day of November, 2011, by and between Pound The Hill, Inc t/a Pound The Hill and Advisory Neighborhood Commission 6B, collectively, the Parties.

WITNESSETH

WHEREAS, Applicant's license ABRA-088067, for premises 621 Pennsylvania Ave, SE, Washington, DC, 20003, 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 "D" 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 Class D full service bistro serving breakfast, lunch and dinner, serving American cuisine for all ages. The license covers the main floor, the summer garden and the sidewalk café, with an entertainment endorsement. There will be no cover charge and entertainment is designed to enhance the dining experience.
3. ***Hours of Operation and Sales.*** The Applicant's hours of operation shall be as follows:

Sunday 8:00 am -10:00 pm
Monday through Saturday 7:00 am – 12:00am

Service will be provided in the **summer garden**:
Sunday through Thursday until 10:00 pm
Friday and Saturday until 10:30 pm

Service will be provided on the **main floor and the sidewalk café**:
Sunday 10:00 am – 10:00 pm
Monday through Saturday 8:00 am – 12:00 am

Entertainment Hours:

Thursday through Saturday 8:0 PM – 11:00 pm

4. ***Floors Utilized and Occupancy.*** Occupancy will not exceed 62 patrons on the main floor with seating for 42, Summer Garden seating for 20 patrons, and sidewalk café seating for 16 patrons. Applicant will ultimately adhere to the Certificate of Occupancy issued by DCRA.
5. ***Sidewalk Café.*** Applicant will provide a sidewalk café with seating for 16 patrons. Applicant agrees that it shall not seek to expand the capacity of the sidewalk café without amendment of this Agreement. Applicant will direct that its employees inspect the sidewalk café on a regular basis to ensure its cleanliness.
6. ***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 music, noise and vibration from the Establishment are not audible outside the establishment at any time. Applicant agrees to keep its doors and windows closed when music is being played at the establishment. If necessary, Applicant will take reasonable steps to reduce noise emanating from the Establishment from the opening of the entry or exit doors.
7. ***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. Applicant will ensure timely disposal that is the least disruptive to the neighbors. Commercial trash pick up in residential areas takes place between 7:00 am - 9:00 pm
8. ***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 Protestants. Applicant shall have the Establishment and the area around the Premises properly cleaned at the end of each night to ensure that there are no garbage or odors present the following morning.
9. ***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.

10. **License Ownership and Compliance with ABRA Regulations.** Applicant agrees to abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licensees.

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

Applicant:

Pound The Hill, Inc
621 Pennsylvania Ave SE
Washington, DC 20003
Karl Johnson, President
202-621-6765

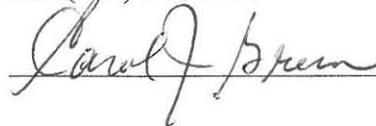


(Signature)

ANC:

Advisory Neighborhood Commission
703 D Street, SE
Washington, DC 20003
Neil Glick, Chairperson
(202) 543-3344
Fax (202) 543-3507





(Signature)