

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

In the Matter of:)	
)	
The Old Naval Hospital Foundation)	
t/a The Old Naval Hospital Foundation)	
)	
Applicant for a New)	Case No. 11-PRO-00026
Retailer's Class CX Multipurpose License)	License No. ABRA-086926
)	Order No. 2011-414
at premises)	
921 Pennsylvania Avenue, S.E.)	
Washington, D.C. 20003)	

The Old Naval Hospital Foundation, t/a The Old Naval Hospital Foundation (Applicant)

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

Jill Lawrence and M. Pope Barrow, on behalf of A Group of Five or More Individuals
(Approximately 27 Individuals) (Protestants)

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

**ORDER ON VOLUNTARY AGREEMENT WITH ANC 6B
AND WITHDRAWAL OF PROTEST OF A GROUP OF FIVE
OR MORE INDIVIDUALS**

The Application filed by The Old Naval Hospital Foundation, t/a The Old Naval Hospital Foundation (Applicant), for a new Retailer's Class CX Multipurpose License, was protested and came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on July 18, 2011 and for a Protest Status Hearing on August 10, 2011.

Initially, there were two Groups of Five or More Individuals consisting of approximately 148 Individuals, which were merged into a single Group of Five or More Individuals (Protestants). On July 18 2011, the Board dismissed 121 individuals as protestants with the Group of Five or More Individuals for failure to appear at the Roll

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Call Hearing, and they did not designate a representative. *See* Board Order No. 2011-348, dated July 27, 2011.

On August 2, 2011, Francis L. Young, one of the 121 individuals dismissed, filed a request for reinstatement indicating that the Roll Call Hearing was scheduled in the middle of summer vacations, and her concerns about the Application may not be addressed by the Group of Five or More Individuals (approximately 27 individuals). Upon consideration of the request to reinstate Francis L. Young as a protestant with the Group of Five or More Individuals, the Board did not find good cause to reinstate Francis L. Young as a protestant with the Group of Five or More Individuals. *See* Board Order No. 2011-388, dated September 14, 2011.

On August 10, 2011, the Protestants filed a Motion for Continuance, a Motion to Stay, and a Motion to Quash the Submission of an Email Obtained by the Applicant into Evidence. On September 14, 2011, the Board denied the Motions. *See* Board Order No. 2011-395, dated September 14, 2011.

On June 14, 2011, the Applicant and ANC 6B entered into a Voluntary Agreement (Agreement) that governs the operation of the Applicant's establishment. This matter comes now before the Board to consider the Parties' Agreement, dated June 14, 2011, in accordance with D.C. Official Code § 25-446 (2001).

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.

Jill Lawrence and M. Pope Barrow, on behalf of the Protestants, submitted a Motion to Withdraw their Protest, effective September 19, 2011.

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Accordingly, it is this 5th day of October 2011, **ORDERED** that:

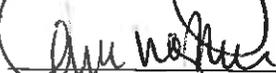
1. The Application filed by The Old Naval Hospital Foundation, t/a The Old Naval Hospital Foundation (Applicant), for a new Retailer's Class CX Multipurpose License, is **GRANTED**;
2. The Protests of the Group of Five or More Individuals in this matter is hereby **WITHDRAWN**;
3. The above-referenced Voluntary Agreement submitted by the Applicant and ANC 6B to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED**; and
4. Copies of this Order shall be sent to the Applicant, ANC 6B, and Jill Lawrence and M. Pope Barrow, on behalf of A Group of Five or More Individuals.

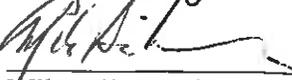
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District of Columbia
Alcoholic Beverage Control Board


Donald Brooks, Acting Interim Chairperson


Herman Jones, Member


Calvin Nophlin, Member


Mike Silverstein, Member

I recuse myself from this matter.


Nick Alberti, Interim Chairperson

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 400 S, Washington, DC 20009.

THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the matter of:)
The Old Naval Hospital Foundation)
t/a The Old Naval Hospital Foundation)

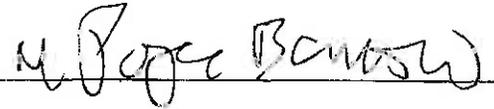
)
Applicant for a new Retailer's)
Class CX Multipurpose License)

) Case No. 11-FRO-00026
) License No. ABRA-086926
)

)
At premises)
921 Pennsylvania Ave, SE)
Washington, DC 20003)

MOTION TO WITHDRAW PROTEST
SUBMITTED BY THE GROUP OF FIVE OR MORE RESIDENTS

The group of five or more neighbors protesting the license application in the above-referenced case hereby moves to withdraw the group's protest, effective September 19, 2011.



M. Pope Barrow



Jill L. Lawrence

Barbara Eck

ANC 6B

Capitol Hill / Southeast

700 D Street, SE
Washington, DC 20003
202.645.3344
FAX: 202.645.3677

June 15, 2011

OFFICERS

Chairperson
Neil Oles
Vice Chairperson
Justin Robinson
Secretary
Jared Stambler
Treasurer
Carol Cohen
Parliamentarian
Bryan Robinson

Nick Alberti, Interim Chair
Alcoholic Beverage Regulation Administration
C/O Martha Jenkins
2000 14th Street, NW, Suite 400S
Washington, DC 20009

RE: The Old Naval Hospital Foundation
License # ABRA-056926
New License

COMMISSIONERS

SMC 1 David Cravens
SMC 2 Alan Friedman
SMC 3 Brandon Ambrose
SMC 4 Winston Olanrewaju
SMC 5 Brian Price
SMC 6 Jared Olanrewaju
SMC 7 Carol Cohen
SMC 8 Neil Oles
SMC 9 Bryan Robinson
SMC 10 Parker Campbell
SMC 11 Vacant

Dear Mr. Alberti:

At its regularly scheduled and properly noticed meeting on June 14, 2011, ANC 6B voted unanimously (8-0) to support the above referenced application of The Old Naval Hospital Foundation, located at 921 Pennsylvania Avenue, SE, for a new Retail C Multipurpose Facility Class liquor license.

Please find enclosed the Cooperative (Voluntary) Agreement that has been executed by The Old Naval Hospital Foundation and ANC 6B for your review and approval.

If you need further information, please do not hesitate to contact me.

Sincerely,


Neil Oles
Chair, ANC 6B

VOLUNTARY AGREEMENT

THIS VOLUNTARY AGREEMENT is made on this 14th day of June, 2011 by and between The Old Naval Hospital Foundation, t/a The Old Naval Hospital Foundation, and Advisory Neighborhood Commission 6B.

WITNESSETH

WHEREAS, Applicant has applied for a new class "C" Multi-Purpose license with a Summer Garden and an Entertainment Endorsement for the premises at 921 Pennsylvania Ave SE, Washington, DC, 20003, which 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 "C" Multi-Purpose Liquor License, with a Summer Garden and an entertainment endorsement, 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 "C" Multi-Purpose ABC license at the listed address, excluding the area commonly known as the Carriage House and the summer garden adjacent to the north side of the Carriage House. The Applicant will host special events such as weddings and meetings both inside the building and on the grounds surrounding the building. There will be occasional dancing, with a DJ and live music provided by small bands.

3. *Hours of Operation and Sales.*

The Applicant's Hours of Operation shall be as follows:

Indoors:

Sunday - Thursday 7:00 a.m. - 2:00 a.m.

Friday and Saturday 7:00 a.m. - 3:00 a.m.

Summer Garden:

Sunday thru Saturday 7:00 a.m. - 10:00 p.m.

Hours of Sales, Service and Entertainment:

Indoors:

Sunday-Thursday 7:00 a.m. - 1:00 a.m.

Friday and Saturday 7:00 a.m. - 2:00 a.m.

Hours of Sales and Service

Summer Garden:

Sunday - Thursday 7:00 a.m. - 9:00 p.m.

Friday and Saturday 7:00 a.m. - 10:00 p.m.

Hours of Entertainment

Summer Garden:

Sunday through Thursday 7:00 a.m. - 8:00 p.m.

Friday and Saturday 7:00 a.m. - 9:00 p.m.

In addition, the capacity at Summer Garden events ending after 8:00 p.m. will be limited to no more than 300 patrons. Daytime capacity in the summer garden will be 500 patrons.

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. *Parking.* Applicant will provide valet parking for a scheduled event that is reasonably expected to bring more than 30 cars. Applicant will monitor the valet service to ensure no cars are parked on public streets.

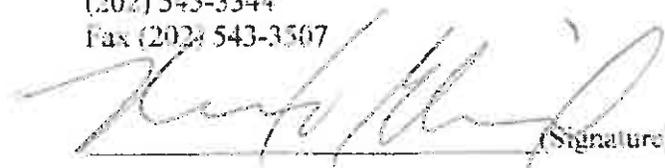
6. **Public Space and Trash.** Applicant shall keep the sidewalk (up to and including the curb), tree box(es), curb, and alley clean and free of litter, bottles, and other debris in compliance with D.C. Code and Municipal Regulations. Applicant shall police these areas sufficiently to assure that refuse and other materials are promptly removed. Applicant shall ensure that the area around the dumpster is kept clean at all times.
7. **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 Board. Applicant shall have the Establishment and the area around the Premises properly cleaned at the end of each night to ensure no garbage and odors are present the following morning.
8. **Security Cooperation in Stenning 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 MFD 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.

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

Applicant: The Old Naval Hospital Foundation
Mary (Nicky) E. Cynzol, President
921 Pennsylvania Ave SE
Washington, DC 20003
202-997-5722

 (Signature)

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

 (Signature)