



**District of Columbia Government**  
**Advisory Neighborhood Commission 6A**  
**Box 75115**  
**Washington, DC 20013**



March 9, 2012

Ms. Ruthanne Miller, Chairperson  
Alcohol Beverage Control Board  
2000 14th Street, NW, Suite 400S  
Washington, DC 20009

Dear Ms. Miller:

At its regularly-scheduled and publicly-announced<sup>1</sup> monthly meeting of March 8, 2012, Advisory Neighborhood Commission 6A (ANC) voted (7-0-1) to reluctantly agree to the Alcohol Beverage Control Board's (Board) changes to the voluntary agreements between the ANC and the following establishments: Dangerously Delicious Pies, Da Luft Restaurant & Lounge, Sol Mexican Grill, Central, and Pho Bar and Grill. The email on the next page outlines the Board's changes to these voluntary agreements. Five Commissioners are required for a quorum. Commissioner Alberti neither participated nor voted.

The Commission feels strongly that striking Section 2(j) related to reimbursable MPD details is unwise. The Commission's Alcohol Beverage Licensing (ABL) Committee spent several months carefully considering and crafting the language after much discussion. We believe these provisions are fair to the community and prospective Board-licensed establishments and would be crucial to ensuring the public's safety around any potentially problematic establishment. In fact, the previous MPD First District Commander recommended that the ANC consider including these types of provisions into our standard voluntary agreement. The ABL Committee also reviewed examples of similar reimbursable police detail language in other Board-approved voluntary agreements in order to craft our language.

We respectfully ask the Board to share with the ANC why it chose to strike this section and to provide the ANC with suggested language that would address the Board's concerns in this regard.

Regarding the modification needed to Section 3(d), the ANC proposes to strike the section and replace it with:

“The hours of operation for a patio or summer garden on private property (excluding rooftops) are limited until 11:00 pm Sunday through Thursday evenings and 12:00 am on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons and staff. If the patio has been open for business for at least three months during the months of April through September and noise levels from the patio do not create a repeated disturbance to the neighborhood during this time period and the licensee has a record of good conduct during this time period, the licensee may submit a change of hours application to allow for expanded hours of operation on the patio.”

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<sup>1</sup> ANC 6A meetings are advertised electronically on the [anc6a-announce@yahoo.com](mailto:anc6a-announce@yahoo.com) and the ANC-6A@yahoogroups.com (not controlled by the ANC) email groups, and through print advertisements in the *Hill Rag*.

Please advise if this modification is acceptable to the Board.

Should you have any questions regarding this matter, please contact Commissioner Adam Healy, chair of the ANC's Alcohol Beverage Licensing Committee, at healyanc6a01@gmail.com or 202.556.0215. Commissioners Healy and Holmes are authorized to represent the ANC in this matter.

On behalf of the Commission,

A handwritten signature in black ink that reads "David Holmes". The signature is written in a cursive, flowing style.

David Holmes, Chair  
Advisory Neighborhood Commission 6A

Email  
Davis, Thea (ABRA) thea.davis@dc.gov  
Feb 7  
to David, Adam, Sarah  
Good morning, Commissioners,

I am writing regarding several voluntary agreements submitted between licensees and ANC 6A. The Board reviewed and/or reconsidered the following voluntary agreements on February 1, 2012:

1. Dangerously Delicious Pies (reconsidered; Board approval and Order mistakenly issued without all necessary modifications)
2. Da Luft Restaurant & Lounge (reconsidered: Board approval and Order mistakenly issued without any modifications)
3. Sol Mexican Grill
4. Central
5. Pho Bar and Grill

The Board has requested the following modifications/clarifications for the above-referenced voluntary agreements. Ms. Fashbaugh will provide the Licensees with a separate email outlining these modifications. I apologize for the oversight regarding Dangerously Delicious Pies and Da Luft Restaurant & Lounge. As always, these modifications can be made via Board Order without submitting a new VA to make it easier for all the parties. Please let me know if you have any questions or comments.

Section 2(i): Applicant's call log and incident log shall be provided to the ANC or Board during meetings or hearings involving future renewals or contested proceedings involving the Applicant's license.

· The word "ANC" should be removed.

Section 2(j) should be removed. (You previously agreed to remove this section in the Dangerously Delicious Pies VA)

Section 3(d): This section should be clarified that any extension of hours must still be considered and approved by the Board, as the final decision maker. Please also be sure to include the applicable time period, as it is left blank in some of the voluntary agreements.

Best regards,

Thea D. Davis  
Deputy General Counsel  
Office of the General Counsel  
Alcoholic Beverage Regulation Administration