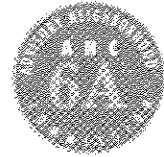


District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



June 2, 2008

Peter B. Feather, Chairperson
Alcoholic Beverage Control Board, Suite 700
941 North Capitol Street, NE
Washington, DC 20002

Reference: Red and Black Addendum to Voluntary Agreement (1212 H Street, NE)

Mr. Feather:

On May 8, 2008, with a quorum present, ANC6A voted to seek a Voluntary Agreement with Red and Black, located at 1212 H Street, regarding the addition of a summer garden. The attached agreement between Mr. Joe Englert of the Red and Black and ANC 6A seeks to address potential issues related to noise. Because of the proximity between ANC 6A residents and this outdoor venue, we wish to mitigate noise concerns and therefore, we request that this Voluntary Agreement be made a part of the license and included in the Board Order

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

e-mail: fengler6a02@yahoo.com
202-423-8868

cc: Commissioner Raphael Marshall
Commissioner Mary Beatty
Mr. Joe Englert, owner of Red and Black

Addendum to Voluntary Agreement

Made this 16th day of September, 2005 by and between

The RED AND BLACK
1212 H Street, NE
Washington, DC 20002

and

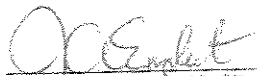
Advisory Neighborhood Commission 6A

Whereas Joe Englert, owner of The Red and Black, has applied for a Summer Garden (16 seats) at the Red and Black located at 1212 H Street, NE, and Whereas Mr. Englert and ANC6A agree that measures should be taken to mitigate noise emanating from the Summer Garden, the parties agree that:

- 1) The patio will be used for dining;
- 2) There will be no amplified music on the patio;
- 3) Wooden walls with sound baffling will be constructed to buffer noise to neighbors behind the establishment;
- 4) Patio will closed for seating at 10:00 PM weekday evenings and 11:00 PM on weekend evenings;
- 5) Placards or signs will be posted on walls to notify patrons of the hours;
- 6) Placard will be posted on walls requesting patrons to respect the neighboring residents;
- 7) Licensee will respond quickly to potential noise complaints, and if complaint is legitimate, will take action to mitigate the problem;

If residents have no noise complaints for a three month period following opening of the Summer Garden and the licensee has a record of good conduct during this time period, the hours for service on the patio may be extended to 11PM on weekdays and 12PM on weekends.

Agreed to this 28 day of May, 2007.



Joe Englert, on behalf of Red and Black



Joseph Fenger, Chair ANC6A on behalf of ANC6A