

Resolved, ANC 1D advises the Alcoholic Beverage Control Board to accept the following list of resolutions as a roll-up of previous 1D resolutions which apply in some way to the Don Juan's application for live music entertainment, and to the reasons why the neighborhood would be improved by termination of the MPNA voluntary agreement. Because of the first resolution noted (2005 05 03), earlier resolutions do not apply. 1D's resolutions over several years converged to a recommended Cooperative Agreement in two versions, A& B.

One purpose of this "roll-up" of past resolutions into a single current compilation is to assert that it is the intent of 1D that general resolutions which did not specify application to Don Juan's were and now are intended to do so.

A second purpose is to pull out of the previous versions of the resolutions the specific points that by the ANC law must be addressed by ABC in particularity from the perspective of this ANC, and if ABC is not persuaded, then ABC must specify the evidence and why that evidence outweighs that presented by this ANC.

A third purpose is to lay out 1D's conclusions, after about two dozen public meetings and discussion, that ABC's old approach of considering only specific features of a license should be superseded by one that considers impacts on Peace, Order, and Quiet and other neighborhood conditions as an integrated pattern.

This resolution incorporates by reference the last compilation of 1D's Cooperative Agreement in two versions A& B, seen in the appendix. This CA is needed as an institutional context for live entertainment and

as less restrictive and detailed list of constraints.

Finally, 1D advises ABC to consider this case to be a new case, on three grounds: This case is at the Order of the DC Court of Appeal and not arising out of ABC's offer of a rehearing. The Order did not limit the time window of ANC 1D resolutions. The Order doesn't refer to impacts on the Mt Pleasant neighborhood at an earlier date, but apparently now.

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.2005 05 03 [\(7 points\)](#)

### ANC Policies Rescission Resolution

Passed by unanimous vote at the legally noticed, public monthly meeting of May 3, 2005, with a quorum present.

Resolved, that ANC1D rescinds all policy statements that are not cataloged by August 1, 2005. Why: Advisory Neighborhood Commissions are by law continuing institutions, with policy statements and resolutions continuing in force until rescinded or explicitly replaced. However, very little of prior work and the records documenting that work is immediately available to ANC1D. Thus ANC1D might be bound by resolutions it does not know of.

### Points

ANC1D act 20050503, "ANC Policies Rescission" was legally enacted.

0. The resolution was passed unanimously, on May 3, 2005, with a quorum present. [2005 05 03:00]

Before August 1, 2005, ANC1D rescinds all prior policy statements.

1. ANC1D rescinds all policy statements not cataloged by August 1, 2005. [2005 05 03:01]
2. Advisory Neighborhood Commissions are by law continuing institutions with policy statements. [2005 05 03:02]

3. Advisory Neighborhood Commissions are by law continuing institutions with resolutions. [2005 05 03:03]

ANC1D might be bound by resolutions it does not know of. Therefore, ANC1D rescinds.

4. [These] resolutions continue in force until rescinded or explicitly replaced. [2005 05 03:04]
5. Very little of prior work is immediately available to ANC1D. [2005 05 03:05]
6. Very little of the records documenting that work is immediately available to ANC1D. [2005 05 03:06]
7. ANC1D might be bound by resolutions it does not know of. [2005 05 03:07]

### 20060404-13 (8 points)

#### Entertainment endorsement for Don Juan Restaurant

*Passed by five to zero vote at the legally noticed, public meeting of April 4, 2006, with a quorum present.*

ANC1D resolves to advise the Alcoholic Beverage Control Board and the Alcoholic Beverage Regulation Administration to approve an application for an entertainment endorsement from Don Juan Restaurant, Inc. to permit the use of karaoke. It further advises the approval of any application for live music and dancing.

Why: The requested uses will not significantly disrupt the peace, quiet, and order of Mt. Pleasant since noise is covered by other regulations, and especially because the owner has a record of prompt handling of complaints.

#### Points

ANC1D act 20060404-13 was legally enacted.

0. "Entertainment endorsement for Don Juan Restaurant" passed unanimously. The vote was 5-0. The vote occurred at the legally noticed, public meeting of April 4, 2006, with a quorum present. [20060404-13:00]
8. ANC1D advises ABCB and ABRA to approve an application for an

entertainment endorsement from Don Juan Restaurant, Inc. [20060404-13:01]

9. This entertainment endorsement [would] permit the use of karaoke. [20060404-13:02]
10. ANC1D further advises the approval of any application for live music. [20060404-13:03]
11. ANC1D further advises the approval of any application for dancing. [20060404-13:04]
12. The requested uses will not significantly disrupt the peace, quiet, and order of Mt. Pleasant. [20060404-13:05]
13. There will be no disruption because noise is covered by other regulations. [20060404-13:06]
14. The owner has a record of prompt handling of complaints. [20060404-13:07]
15. The owner's record of responsiveness is especially noted. [20060404-13:08]

### 20060710-12 (33 points)

#### Live Music in Mount Pleasant Restaurants

Passed by five to zero vote at the legally noticed, public meeting of July 10, 2006, with a quorum present. Resolved, that ANC 1D advises the Alcoholic Beverage Control Board to delete the complete and absolute prohibition clause of live music, live entertainment, and disk jockeys from voluntary agreements attached to Class CR licenses in Mount Pleasant.

Why: The Mount Pleasant commercial strip is all too quiet at night, so quiet that people returning home late at night, from the bus stop or the Metro station, are concerned about having to walk nearly deserted streets. Doing away with the absolute ban should bring more patrons to Mt. Pleasant Street. In addition, elimination of the absolute ban will allow for a fair, case by case review of license applications. The number of restaurants that would be capable of offering live music or entertainment in Mount Pleasant is small, and their dimensions are also small, so any increase in patronage of Mount Pleasant restaurants due to

the added attraction of entertainment would be modest. Excessively loud music, which can be caused by recorded audio systems as well as live bands, is limited by existing noise regulations, and so is not a valid objection to live music in restaurants. Residents of Mount Pleasant have complained that, if they want live music or entertainment with their meals, they must trek all the way to Adams Morgan, or to the U Street corridor. Some Mount Pleasant residents want live music and entertainment here. Our restaurants should be permitted to serve those residents, so long as the effect on “peace, order and quiet” in this neighborhood is modest and tolerable. ANC 1D will continue to work with the business community to help assure that is the case.

ANC 1D believes that permitting live entertainment and live music will significantly enhance the economic viability of businesses along Mt. Pleasant Street, which have reported substantial losses of patronage and revenue in recent years. Furthermore, the ethnic flavor and cultural diversity of Mt. Pleasant are suppressed by these prohibitions.

## Points

### ANC1D Act 20060710-12 was legally enacted.

0. “Live Music in Mount Pleasant Restaurants” passed unanimously. The vote was 5-0. The vote occurred at the legally noticed, public meeting of July 10, 2006, with a quorum present. [20060710-12:00]
16. ANC1D addresses the absolute prohibition clause in voluntary agreements attached to Class CR licenses in Mount Pleasant. [20060710-12:01]
17. The absolute prohibition clause [prohibits] live music. [20060710-12:02]
18. The absolute prohibition clause [prohibits] live entertainment [ 20060710-12:03]
19. The absolute prohibition clause [prohibits] disk jockeys [ 20060710-12:04]
20. ANC 1D advises the Alcoholic Beverage Control Board to delete [any] complete and absolute prohibition clause. [ 20060710-12:05]
21. The Mount Pleasant commercial strip is all too quiet at night. [ 20060710-12:06]
22. People are concerned about having to walk nearly deserted streets. [ 20060710-12:07]
23. These include people returning home late at night from the bus stop or the Metro station. [ 20060710-12:08]
24. Doing away with the absolute ban should bring more patrons to Mt. Pleasant Street. [ 20060710-12:09]
25. Elimination of the absolute ban will allow for a fair, case by case review of license applications. [ 20060710-12:10]
26. The number of restaurants that would be capable of offering live music or entertainment in Mount Pleasant is small. [20060710-12:11]
27. The dimensions [of MtP restaurants] are also small. [ 20060710-12:12]
28. Any increase in patronage of Mount Pleasant restaurants due to the added attraction of entertainment would be modest. [ 20060710-12:13]
29. [Noise is covered by other regulations.] [ 20060710-12:14]
30. Excessively loud music can be caused by live bands. [ 20060710-12:15]
31. Excessively loud music can also be caused by recorded audio systems. [ 20060710-12:16]
32. Excessively loud music is limited by existing noise regulations. [ 20060710-12:17]
33. An objection to live music is not a valid objection on [grounds of noise] [ 20060710-12:18]
34. Live music or entertainment is available in Adams Morgan. [ 20060710-12:19]
35. Live music or entertainment is available on the U Street Corridor. [ 20060710-12:20]

36. Meals with live music or entertainment are not available in Mount Pleasant. [ 20060710–12:21]
37. Some Mount Pleasant residents want live music and entertainment here. [ 20060710–12:22]
38. In order to have a meal with live music or entertainment, residents of MP must travel to Adams Morgan, or to the U Street corridor. [ 20060710–12:23]
39. Residents of Mount Pleasant have complained that they must trek all the way to Adams Morgan, or to the U Street corridor. [ 20060710–12:24]
40. Our restaurants should be permitted to serve those residents, while assuring “peace, order and quiet”. [ 20060710–12:25]
41. The effect of live music and entertainment on “peace, order and quiet” [should be] modest and tolerable. [ 20060710–12:26]
42. ANC 1D will continue to work with the business community to help assure that is the case. [ 20060710–12:27]
43. ANC 1D believes that permitting live entertainment will significantly enhance the economic viability of businesses along Mt. Pleasant Street. [ 20060710–12:28]
44. ANC 1D believes that permitting live music will significantly enhance the economic viability of businesses along Mt. Pleasant Street. [ 20060710–12:29]
45. Businesses along Mt. Pleasant Street have reported substantial losses of patronage in recent years. [ 20060710–12:30]
46. Businesses along Mt. Pleasant Street have reported substantial losses of revenue in recent years. [ 20060710–12:31]
47. The ethnic flavor of Mt. Pleasant [is] suppressed by these prohibitions. [ 20060710–12:32]
48. The cultural diversity of Mt. Pleasant [is] suppressed by these prohibitions. [ 20060710–12:33]

[20060808–02 \(7 points\)](#)

### Concerning Don Juan’s Restaurant

ANC 1D advises the ABC Board:

A] To keep the current hours of operation for Don Juan’s Restaurant, namely closing time of 2 AM Sunday through Thursday, and 3 AM on Friday and Saturday.

Why: These have been the hours kept for over a decade. Indeed, the Voluntary Agreement of 2001 explicitly allows serving of alcohol until “1:30 AM Sunday through Thursday and 2:30 AM on Friday and Saturday”. B] To follow the plain English interpretation of “will stop selling alcohol at 1:30 AM Sunday through Thursday and 2:30 AM on Friday and Saturday,” namely that these are the times of last service, not the closing times of the business.

Why: Any other interpretation is clearly a misunderstanding. To the degree possible, laws and regulations in a democracy should be phrased in plain language, and not in ways contrary to direct understanding.

### Points

[ANC1D act 20060808–02 was legally enacted.](#)

0. “Concerning Don Juan’s Restaurant” passed unanimously. The vote was 4-0. The vote occurred at the legally noticed, public meeting of August 8, 2006, with a quorum present. [20060808–02:00]
49. ANC 1D advises the ABC Board to keep the current hours of operation for Don Juan’s Restaurant. Those hours are: namely closing time of 2 AM Sunday through Thursday, and 3 AM on Friday and Saturday. [20060808–02:01]
50. Don Juan’s closing times have been the hours kept for over a decade. These times are: 2 AM Sunday through Thursday, and 3 AM on Friday and Saturday. [20060808–02:02]
51. The Voluntary Agreement of 2001 [is evidence of this established schedule.] The 2001 VA explicitly allows serving of

alcohol until "1:30 AM Sunday through Thursday and 2:30 AM on Friday and Saturday". [20060808-02:03]

52. The plain English interpretation is that these hours are the times of last service, not the closing times of the business. [20060808-02:04]
53. Any other interpretation is clearly a misunderstanding. [20060808-02:05]
54. To the degree possible, laws and regulations in a democracy should be phrased in plain language. [20060808-02:06]
55. To the degree possible, laws and regulations in a democracy should not be phrased in ways contrary to direct understanding. [20060808-02:07]

#### 20061120-04 (2 points)

#### **Amend ANC 1D Cooperative Agreement**

Jack moved to amend version B of the VA by deleting the words of the first clause "which will be the full representative of the ANC1D in all matters dealing with the handling of this CA."

Motion approved by 5 to 0 vote.

#### **Points**

#### **ANC1D act 20061120-04 was legally enacted.**

0. "Amend ANC 1D Cooperative Agreement" was passed unanimously. The vote was 5-0. The vote occurred at the legally noticed, public meeting of ANC1D on November 20, 2006, with a quorum present. [20061120-04:00]

#### **ANC1D amends the first clause of version B of the VA**

56. The words of the first clause of version B of the VA was amended. [20061120-04:01]
57. The words "which will be the full representative of the ANC1D in all matters dealing with the handling of this CA" were deleted. [20061120-04:02]

#### 20061205-08 (15 points)

#### **It would be unfair and a loss to our neighborhood if ABRA pulls the entertainment endorsement of Don Juan's Restaurant.**

Resolved, that ANC 1D advises the Alcoholic Beverage Regulation Administration (ABRA) to approve the application of Don Juan's Restaurant for an Entertainment Endorsement to its liquor license for karaoke, and advises ABRA furthermore to issue a stipulated license to Don Juan's Restaurant without delay. If this issue does require placarding, then the current endorsement should not be pulled until there is a decision to the contrary. Why: Karaoke is a form of activity that is welcomed and desired by a significant number of Mount Pleasant residents, and the provision of karaoke at Don Juan's Restaurant will not interfere with the peace, order, and quiet of the neighborhood. While the recent issuance of an entertainment endorsement might have some element of administrative defect, this is not the fault of the licensee, and so it is unfair to the licensee to pull the endorsement while the matter is being decided. The very fact that there have been no unresolved problems with the use of the current endorsement argues that the only substantial loss if the license is pulled would be to our neighbors who patronize the restaurant, as well as the licensee.

#### **Points**

#### **ANC1D act 20061205-08 was legally enacted.**

0. "It would be unfair and a loss to our neighborhood if ABRA pulls the entertainment endorsement of Don Juan's Restaurant" passed unanimously. The vote was 4-0. The vote occurred at the legally noticed, public meeting of December 5, 2006, with a quorum present. [20061205-08:00]
58. ANC 1D advises ABRA to approve the application of Don Juan's Restaurant for an Entertainment Endorsement to its liquor license for karaoke. [20061205-08:01]

59. ANC 1D advises ABRA to issue a stipulated license to Don Juan's Restaurant without delay. [20061205-08:02]
60. [ANC1D asks ABRA to consider the consequences if the issue requires placarding.] [20061205-08:03]
61. If this issue does require placarding, then the current endorsement should not be pulled until there is a decision to the contrary. [20061205-08:04]
62. Karaoke is a form of activity that is welcomed and desired by a significant number of Mount Pleasant residents. [20061205-08:05]
63. The provision of karaoke at Don Juan's Restaurant will not interfere with the peace, order, and quiet of the neighborhood. [20061205-08:06]
64. The recent issuance of an entertainment endorsement is not the fault of the licensee. [20061205-08:07]
65. The recent issuance of an entertainment endorsement might have some element of administrative defect. [20061205-08:08]
66. This is not the fault of the licensee. [20061205-08:09]
67. It is unfair to the licensee to pull the endorsement while the matter is being decided. [20061205-08:10]
68. There have been no unresolved problems with the use of the current endorsement. [20061205-08:11]
69. The very fact argues that the only substantial loss would be to patrons and licensee. [20061205-08:12]
70. [ANC1D asks ABRA to consider the consequences if the license is pulled.] [20061205-08:013]
71. A substantial loss would be to our neighbors who patronize the restaurant. [20061205-08:14]
72. A substantial loss would be to the licensee. [20061205-08:15]

## 20070206-07 [\(4 points\)](#)

### Concerning Don Juan's Restaurant

Resolved, that ANC1D advises the Alcoholic Beverage Control Board to approve the application of Don Juan's Restaurant for an entertainment endorsement to its liquor license; and that ANC1D Chairperson Edwards is appointed to represent this ANC to this effect at the public hearing scheduled for February 28, 2007.

Rationale: Karaoke is a form of activity that is welcomed and desired by a significant number of Mount Pleasant residents, and the provision of karaoke at Don Juan's Restaurant will not interfere with the peace, order, and quiet of the neighborhood.

*Passed by five to zero vote at the legally noticed, public meeting of February 6, 2007, with a quorum present.*

### Points

ANC1D act 20070206-07 was legally enacted.

0 "Concerning Don Juan's Restaurant" was passed unanimously. The vote was 5-0. The vote occurred at the legally noticed, public meeting of February 6, 2007, with a quorum present. [20070206-07:00]

73. ANC1D advises the ABCB to approve the application of Don Juan's Restaurant for an entertainment endorsement to its liquor license. [20070206-07:01]

74. ANC1D Chairperson Edwards is appointed to represent this ANC to this effect at the public hearing scheduled for February 28, 2007. [20070206-07:02]

75. Karaoke is a form of activity that is welcomed and desired by a significant number of Mount Pleasant residents. [20070206-07:03]

76. The provision of karaoke at Don Juan's Restaurant will not interfere with the peace, order, and quiet of the neighborhood. [20070206-07:04]

[20070411-05 \(4 points\)](#)

**Entertainment endorsement for Don Juan’s**

Resolved, that ANC1D advises the Alcoholic Beverage Control Board to approve the application of Don Juan’s Restaurant for an entertainment endorsement to its liquor license; and that ANC1D Commissioner Jack McKay is appointed to represent this ANC to this effect at the public hearing for this endorsement.

Rationale: Karaoke is a form of activity that is welcomed and desired by a significant number of Mount Pleasant residents, and the provision of karaoke at Don Juan’s Restaurant will not interfere with the peace, order, and quiet of the neighborhood.

*Passed by unanimous consent at the legally noticed, public meeting of April 11, 2007, with a quorum present.*

**Points**

**ANC1D act 20070411-05 was legally enacted.**

- 0. “Entertainment endorsement for Don Juan’s” was passed unanimously, at the legally noticed, public meeting of April 11, 2007, with a quorum present. [20070411-05:00]
- 77. ANC1D advises the ABCB to approve the application of Don Juan’s Restaurant for an entertainment endorsement to its liquor license. [20070411-05:01]
- 78. ANC1D Commissioner Jack McKay is appointed to represent this ANC to this effect at the public hearing for this endorsement. [20070411-05:02]
- 79. Karaoke is a form of activity that is welcomed and desired by a significant number of Mount Pleasant residents. [20070411-05:03]
- 80. The provision of karaoke at Don Juan’s Restaurant will not interfere with the peace, order, and quiet of the neighborhood. [20070411-05:04]

[20070515-04 \(28 points\)](#)

**ANC1D protests the renewal of liquor licenses for eight Mount Pleasant venues.**

Passed by 5 to 0 vote at the legally noticed, public meeting of ANC1D on May 15, 2007, with a quorum present.

ANC1D advises the Alcohol Beverage Control Board of its protest of the renewals of the list below of eight licensees on the grounds of improving and not decreasing the Peace, Order and Quiet of the neighborhood and especially the highly dense residential areas nearby and intermixed with these locales. It is amenable to negotiating a Voluntary Agreement with these licensees that would meet its concerns.

Licensees:

Don Jaime, 3209 Mount Pleasant Street NW, License #21925, Class Retailer CR 01,

Petition Date: 2007 06 04

Marx Café American Bar, 3203 Mount Pleasant Street NW, Dalunas, LLC,

License # 74712, Class Retailer CR 01,

Petition Date: 2007 06 04

Corado’s Guatemalan Restaurant, 3217 Mount Pleasant Street NW, Corado’s Restaurant, Inc.,

License # 15941, Class Retailer CR 01,

Petition Date: 2007 06 04

Haydee’s Restaurant, 3102 Mount Pleasant Street NW,

License # 24663, Class Retailer CR 01,

Petition Date: 2007 06 11

Radius, 3155 Mount Pleasant Street NW,

License # 72310, Class Retailer CR 01,

Petition Date: 2007 06 11

Tonic, 3155 Mount Pleasant Street NW,

License # 60786, Class Retailer CR 01,

Petition Date: 2007 06 11

Pupuseria San Miguel, 3110 Mount Pleasant Street NW,

License # 74630, Class Retailer DR 01,

Petition Date: 2007 07 02

Don Juan Restaurant and Carry Out, 1660 Lamont Street NW,

License # 15934, Class Retailer CR 02,

Petition Date: 2007 07 16

Why: The neighborhood has changed markedly in the last three years. Property values are up, there has been more policing, the demographics is undergoing a rapid shift. Yet, the level of trash, noise, traffic, congestion, vermin, and other nuisances remains high, even with existing VAs in place. While it is true that in some instances this ANC may wish to negotiate changes in the Voluntary Agreements (VAs) sponsored by civic groups, difficult trade-offs may be necessary to preserve peace, quiet and order.

It would be incompetent for us to not explore the application of better practices for handling these issues, practices that have been proven elsewhere to improve conditions. To not implement with VAs the best appropriate practices essentially is to choose to subject residents and visitors to unnecessary levels of annoyance and deprive them unnecessarily of other benefits. This would be contrary to our oath of office, and the general intents of public policy.

### Points

#### ANC1D act 20070515-04 was legally enacted.

0. "ANC1D protests the renewal of liquor licenses for eight Mount Pleasant venues" was passed unanimously. The vote was 5-0. The vote occurred at the legally noticed, public meeting of ANC1D on May 15, 2007, with a quorum present. [20070515-04:00]

81. ANC1D advises the Alcohol Beverage Control Board of its protest of the renewals of the list below of eight licensees. [20070515-04:01]

82. The licensees and their license numbers are: [20070515-04:02]

- a. Don Juan's Restaurant, # 15934,
- b. Haydee's Restaurant, # 24663
- c. Don Jaime Restaurant, #21925

- d. Tonic Restaurant, # 60786
- e. Radius Restaurant, # 72310
- f. Marx Café American Bar, # 74712
- g. Corado's Guatemalan Restaurant, # 15941
- h. Pupuseria San Miguel, # 74630
83. ANC1D grounds of protest are improving and not decreasing the Peace, Order and Quiet of the neighborhood. [20070515-04:03]
84. Issues of PO&Q hold true especially in the highly dense residential areas nearby and intermixed with these locales. [20070515-04:04]
85. It is amenable to negotiating a Voluntary Agreement with these licensees that would meet its concerns. [20070515-04:05]
86. The neighborhood has changed markedly in the last three years. [20070515-04:06]
87. Property values are up. [20070515-04:07]
88. There has been more policing. [20070515-04:08]
89. The demographics is undergoing a rapid shift. [20070515-04:09]
90. Despite changes in demographics, property values, and increased policing, the level of nuisances remain high. [20070515-04:10]
91. Nuisances include trash. [20070515-04:11]
92. Nuisances include noise. [20070515-04:12]
93. Nuisances include traffic. [20070515-04:13]
94. Nuisances include congestion. [20070515-04:14]
95. Nuisances include vermin. [20070515-04:15]
96. The level of nuisances remain high, even with existing VAs in place. [20070515-04:16]
97. [Some] voluntary Agreements (VAs) are sponsored by civic groups. [20070515-04:17]
98. In some instances this ANC may wish to negotiate changes in the Voluntary Agreements (VAs) sponsored by civic groups. [20070515-04:18]

99. Difficult trade-offs may be necessary to preserve peace, quiet and order. [20070515-04:19]
100. It is incompetence to not explore the application of better practices for handling these issues, practices that have been proven elsewhere to improve conditions.. [20070515-04:20]
101. [It is incompetence to not explore the application of] practices that have been proven elsewhere to improve conditions. [20070515-04:21]
102. [The choice to not implement with VAs the best appropriate practices would be a disservice] [20070515-04:22]
103. To choose not to explore better practice would be to subject residents to unnecessary levels of annoyance. [20070515-04:23]
104. To choose not to explore better practice would be to subject visitors to unnecessary levels of annoyance. [20070515-04:24]
105. To choose not to explore better practice would unnecessarily deprive residents of other benefits. [20070515-04:25]
106. To choose not to explore better practice would unnecessarily deprive visitors of other benefits. [20070515-04:26]
107. This choice not to explore better practices would be contrary to our oath of office. [20070515-04:27]
108. This choice not to explore better practices would be contrary to the general intents of public policy. [20070515-04:28]

### 20070605-08 (29 points)

#### Support for voluntary agreement terminations

Passed by 4 to 0 vote at the legally noticed, public meeting of ANC1D on June 5, 2007, with a quorum present.

Resolved, that ANC1D advises the Alcoholic Beverage Control Board to approve the requests by the NHV Corporation (Haydee's Restaurant), Don Juan Restaurant, Inc. (Don Juan's Restaurant), and Jaime Carrillo (Don Jaime Restaurant), for termination of their voluntary agreements. Why: The demographics of Mount Pleasant have changed very substantially during the past decade, as rapidly increasing property values and rents have brought about a great change in the average income level of residents. Mount Pleasant is currently developing innovative procedures for dealing with the consequences of restaurants on the area, including the creation of a Neighborhood Hospitality Council to address any problems, without resorting to calling on ABRA inspectors. Problems of peace, order, and quiet in the community will be more quickly and effectively dealt with by direct action via such a Council, than by calling in inspectors, whose punishment restaurants for actions which take place outside their places of business are ineffectual, as evidenced by current complaints of public disturbances, despite the current voluntary agreements. A better method must be found, and ANC1D believes that neighborhood Councils will be a much more effective solution to the problem. The termination of the current voluntary agreements will be temporary, as new agreements will be written as part of the license renewal process. The existing voluntary agreements were developed by a secretive and discriminatory neighborhood organization. The Mount Pleasant Neighborhood Alliance develops its voluntary agreements behind closed doors, excluding not only the public but its own membership from participation. Residents of Mount Pleasant report that their attempts to join this organization are denied, with no explanation, not even an acknowledgment.

#### Points

ANC1D Act 20070605-08 was legally enacted.

0. "Support for voluntary agreement terminations" was passed unanimously. The

vote was 4-0. The vote occurred at the legally noticed, public meeting of ANC1D on June 5, 2007, with a quorum present. [20070605-08:00]

### 1D advised ABC to approve temporary termination.

109. ANC1D advises the Alcoholic Beverage Control Board to approve the requests by [3 licensees] for termination of their voluntary agreements. [20070605-08:01]
110. The 3 licensees are the NHV Corporation (Haydee's Restaurant), Don Juan Restaurant, Inc. (Don Juan's Restaurant), and Jaime Carrillo (Don Jaime Restaurant). [20070605-08:02]

### 1D observes a changed context from when the VAs were adopted.

111. The demographics of Mount Pleasant have changed very substantially during the past decade. [20070605-08:03]
112. Rapidly increasing property values and rents have brought about a great change in the average income level of residents. [20070605-08:04]

### 1D recommends shift from VAs to CAs incorporating a local council with several innovations.

113. Mount Pleasant is currently developing innovative procedures. [20070605-08:05]
114. [These procedures address] the consequences of restaurants on the area. [20070605-08:06]
115. [This process of innovation] includes the creation of a Neighborhood Hospitality Council. [20070605-08:07]
116. This council [would] address any problems [between businesses and residents on the commercial corridor]. [20070605-08:08]

### The council can replace current ABRA procedures.

117. This council [would] address problems without resorting to calling on ABRA inspectors. [20070605-08:09]
118. The problems are those of [maintaining] peace, order, and quiet in the community. [20070605-08:10]
119. These [problems] will be more quickly and effectively dealt with by direct action via such a Council. [20070605-08:11]
120. These [problems] will be more quickly and effectively dealt with than by calling in [ABRA] inspectors. [20070605-08:12]

### Restaurateurs are daunted by ABRA fines and punishments.

121. The [practice] of calling in inspectors [results in] punishments for the restaurants. [20070605-08:13]
122. The [practice] of calling in inspectors [results in] punishing restaurants for actions which take place outside their places of business. [20070605-08:14]
123. This practice of calling in inspectors is ineffectual. [20070605-08:15]
124. This practice of calling in inspectors is ineffectual as evidenced by current complaints of public disturbances. [20070605-08:16]

### ANC1D believes Neighborhood Councils may be a better method.

125. These complaints [occur], despite the current voluntary agreements. [20070605-08:17]
126. ANC1D believes a better method must be found. [20070605-08:18]
127. ANC1D believes that neighborhood Councils will be a much more effective solution to the problem. [20070605-08:10:19]

128. The termination of the current voluntary agreements will be temporary. [20070605-08:20]
129. New agreements will be written as part of the license renewal process. [20070605-08:21]

**Existing MPNA VA's were developed without transparency.**

130. The existing voluntary agreements were developed by a neighborhood organization. [20070605-08:22]
131. This neighborhood organization was secretive and discriminatory. [20070605-08:23]
132. This neighborhood organization [is known as] the Mount Pleasant Neighborhood Alliance (MPNA). [20070605-08:24]
133. MPNA develops its voluntary agreements behind closed doors. [20070605-08:25]
134. MPNA excludes not only the public but its own membership from participation. [20070605-08:26]
135. Residents of Mount Pleasant report that their attempts to join this organization are denied. [20070605-08:27]
136. Attempts to join MPNA are denied with no explanation. [20070605-08:28]
137. Attempts to join MPNA are denied without acknowledgment. [20070605-08:29]

**20070605-11 (39 points)**

**One VA with a Responsible Hospitality Partnership**

Passed by 5 to 0 vote at the legally noticed, public meeting of ANC1D on June 5, 2007, with a quorum present.

Resolved: ANC1D advises the Alcoholic Beverage Control Board (ABCB) to terminate all Voluntary Agreements (VAs) now in force for the eight licensees listed below, and renew those eight licenses with a single, uniform VA. That VA will

be minimalist in its stipulations, with two exceptions:  
 First, in order to improve pedestrian safety and reduce traffic, it commits the licensees to energetically support and prefer with due diligence staffing (employees, contractors, and all creative workers including musicians) of residents with a half mile of Mt Pleasant.

Second, that the licensees support, participate in and be governed by a Responsible Hospitality Partnership process which includes a council that periodically can add or change conditions on specific or all licensees. The initial council will be constituted by those protesters to any of the current licensees who have filed by 4 June 2007 and are qualified by the ABCB. The scope of the council will include traffic & integrated transportation; training of staff & good communication with the neighborhood; trash & cleanliness, publicity, marketing and economic development; security, service & safety, including policing; music, entertainment, and cultural development; and quality of life. The decisions of the council, unless overruled by ABCB, for all intents and purposes will be considered as legally equivalent to any written stipulations in a VA. Nothing in the new VA should be considered as diminishing the legally specified role of the ABCB or ANCs.

Why: The commercial corridor of Mount Pleasant is endangered, and appears increasingly unsafe. The appearance of gangs and other threats are serious problems for peace order and quiet. The paucity of street life endangers pedestrian safety. Declines in economic activity may impact economic values.

The Responsible Hospitality Partnership process has proven in many other locales to be a good remedy to similar problems. The current stringent VAs appear to contribute to social and economic conditions that endanger our neighborhood.

**Points**

**ANC1D act 20070605-11 was legally enacted.**

0. "One VA with a Responsible Hospitality Partnership" passed unanimously. The vote

was 5-0. The resolution passed at the legally noticed, public meeting of ANC1D on June 5, 2007, with a quorum present. [20070605-11:00]

### ANC1D calls for termination of all VA's for 8 licensees

138. ANC1D advises the Alcoholic Beverage Control Board (ABCB) to terminate all Voluntary Agreements (VAs) now in force for the eight licensees listed below: [20070605-11:01]
- a. Haydees
  - b. Don Juan
  - c. Don Jaime
  - d. Corados
  - e. Marx Café
  - f. Tonic
  - g. Radius
  - h. Pupuseria San Miguel

### The restaurateurs want a single, fair, competitive uniform VA

139. ANC1D advises the Alcoholic Beverage Control Board (ABCB) to renew those eight licenses with a single, uniform VA. [20070605-11:02]
140. That VA will be minimalist in its stipulations. [20070605-11:03]

### VA Exception 1: licensees support local staffing

141. There are two exceptions to that VA. [20070605-11:04]
142. First: licensees support local staffing of residents with a half mile of Mt Pleasant. [20070605-11:05]
143. Local staffing is necessary in order to improve pedestrian safety and reduce traffic. [20070605-11:06]
144. Staffing [is defined as] employees, contractors, and all creative workers including musicians. [20070605-11:07]
145. Support [should be] energetic for local staffing. [20070605-11:08]

146. Support [should] prefer with due diligence, local staffing. [20070605-11:09]

### VA Exception 2: licensees participate in a RHP process

147. Second: licensees support, participate in and [are] governed by a Responsible Hospitality Partnership process. [20070605-11:10]
148. RHP is an acronym for Responsible Hospitality Partnership. [20070605-11:11]

### An initial RHP council will be constituted by protestors to current licensees

149. The RHP process includes a council. [20070605-11:12]
150. This council can periodically add or change conditions on specific or all licensees. [20070605-11:13]
151. The initial council will be constituted by those protestors to any of the current licensees. [20070605-11:14]
152. Those protestors [must have] filed by 4 June 2007 and are qualified by the ABCB. [20070605-11:15]

### The scope of the council is broad: transportation, economics, culture, security, trash service...

153. The scope of the council will include traffic & integrated transportation; [20070605-11:16]
154. The scope of the council will include training of staff & good communication with the neighborhood; [20070605-11:17]
155. The scope of the council will include trash & cleanliness, [20070605-11:18]
156. The scope of the council will include publicity, marketing and economic development; [20070605-11:19]
157. The scope of the council will include security, service & safety, including policing; [20070605-11:20]

- 158. The scope of the council will include music, entertainment, and cultural development; [20070605-11:21]
- 159. The scope of the council will include quality of life [issues]. [20070605-11:22]

**The council has legal standing, but not diminishing of ANC or ABCB**

- 160. The decisions of the council, for all intents and purposes, will have [legal standing]. [20070605-11:23]
- 161. The decisions will be considered as legally equivalent to any written stipulations in a VA. [20070605-11:24]
- 162. The decisions legally stand unless overruled by the ABCB. [20070605-11:25]
- 163. The decisions may be overruled by the ABCB. [20070605-11:26]
- 164. The legally specified role of the ABCB is not diminished. [20070605-11:27]
- 165. The legally specified role of ANCs is not diminished. [20070605-11:28]
- 166. Nothing in the new VA should be considered as “diminishing” to the ABCB or ANCs. [20070605-11:29]

**The commercial corridor of Mount Pleasant is in decline; inactive and unsafe.**

- 167. The commercial corridor of Mount Pleasant is endangered. [20070605-11:30]
- 168. The commercial corridor of Mount Pleasant appears increasingly unsafe. [20070605-11:31]
- 169. [We note] the appearance of gangs and other threats [on the commercial corridor]. [20070605-11:32]
- 170. These are serious problems for peace order and quiet. [20070605-11:33]
- 171. The paucity of street life endangers pedestrian safety. [20070605-11:34]
- 172. Declines in economic activity may impact economic values. [20070605-11:35]

**The Responsible Hospitality Partnership is a proven process.**

- 173. The RHP process has proven in many other locales to be a good remedy to similar problems. [20070605-11:36]
- 174. The current VAs are stringent. [20070605-11:37]
- 175. The current VAs appear to contribute to [harmful] social and economic conditions. [20070605-11:38]
- 176. These social and economic conditions endanger our neighborhood. [20070605-11:39]

**20070605-13 (6 points)**

**Consolidate ABCB process**

*Passed by 5 to 0 vote at the legally noticed, public meeting of ANC1D on June 5, 2007, with a quorum present.*

Resolved: ANC1D advises the Alcoholic Beverage Control Board (ABCB) to consolidate the handling of all eight licenses (listed below) under consideration this summer, or at least to the degree practical.

Why: Since ANC1D is seeking a single, uniform, and enhanced solution based on a Responsible Hospitality Partnership, and notes that many civic groups have become involved with similar aims, the time and practicality for most parties will be improved by a consolidated process.

- Don Jaime
- 3209 Mount Pleasant Street NW
- License #21925
- Class Retailer CR 01
- Petition Date: 2007 06 04
- Radius
- 3155 Mount Pleasant Street NW
- License # 72310
- Class Retailer CR 01
- Petition Date: 2007 06 11
- Marx Café American Bar
- 3203 Mount Pleasant Street NW

License # 74712  
Class Retailer CR 01  
Petition Date: 2007 06 04  
Tonic  
3155 Mount Pleasant Street NW  
License # 60786  
Class Retailer CR 01  
Petition Date: 2007 06 11  
Corado's Guatemalan Restaurant  
3217 Mount Pleasant Street NW  
License # 15941  
Class Retailer CR 01  
Petition Date: 2007 06 04  
Pupuseria San Miguel  
3110 Mount Pleasant Street NW  
License # 74630  
Class Retailer DR 01  
Petition Date: 2007 07 02  
Haydee's Restaurant  
3102 Mount Pleasant Street NW  
License # 24663  
Class Retailer CR 01  
Petition Date: 2007 06 11  
Don Juan Restaurant and Carry Out  
1660 Lamont Street NW  
License # 15934  
Class Retailer CR 02  
Petition Date: 2007 07 16

## Points

### ANC1D act 20070605-13 was legally enacted

0. "Consolidate ABCB process" was passed unanimously. The vote was 5-0. The vote occurred at the legally noticed, public meeting of ANC1D on June 5, 2007, with a quorum present. [20070605-13:00]

177. ANC1D advises the ABCB to consolidate the handling of all eight licenses (listed below) under consideration this summer. [20070605-13:01]

178. ANC1D advises the ABCB to consolidate cases at least to the degree practical. [20070605-13:02]
179. ANC1D is seeking a single, uniform, and enhanced solution. [20070605-13:03]
180. This solution is based on a Responsible Hospitality Partnership [model]. [20070605-13:04]
181. ANC1D notes that many civic groups have become involved with similar aims. [20070605-13:05]
182. The time and practicality for most parties will be improved by a consolidated process. [20070605-13:06]

### 20070619-03 (19 points)

#### ANC1D policy: Mount Pleasant Responsible Hospitality Partnership

Resolved, that ANC1D adopts the following as a policy statement:

1. A new Mount Pleasant hospitality management umbrella organization will be called the Mount Pleasant Responsible Hospitality Partnership.
2. The purposes of the Mount Pleasant Responsible Hospitality Partnership will be (1) to increase the cultural vitality and diversity and economic viability for both businesses and residents; and (2) to actively mitigate nuisances.
3. The initial governing board of the Mount Pleasant Responsible Hospitality Partnership will be made up of representatives of Mount Pleasant residents, merchants and liquor license licensees, and community groups.
4. The Mount Pleasant Responsible Hospitality Partnership's initial governing board will meet soon to set up the mission, structure, and rules of the organization.

*Approved by 4 to 0 vote at the legally noticed, public meeting of ANC1D on June 19, 2007, with a quorum present.*

## Points

### ANC1D act 20070619-03 was legally enacted.

0. "ANC1D policy: Mount Pleasant Responsible Hospitality Partnership" was passed unanimously. The vote was 4-0. The vote occurred at the legally noticed, public meeting of ANC1D on June 19, 2007, with a quorum present. [20070619-03:00]

183. ANC1D adopts a policy statement [on establishing a Mount Pleasant Responsible Hospitality Partnership.] [20070619-03:01]

184. This is a new organization. [20070619-03:02]

185. This is an umbrella organization. [20070619-03:03]

186. This organization will deal with hospitality management. [20070619-03:05]

187. This organization will be called the Mt Pleasant Responsible Hospitality Partnership. (RHP) [20070619-03:05]

188. RHP purposes to increase the cultural vitality and diversity of businesses. [20070619-03:06]

189. RHP purposes to increase the cultural vitality and diversity of residents. [20070619-03:07]

190. RHP purposes to increase the economic viability of businesses. [20070619-03:08]

191. RHP purposes to increase the economic viability of residents [20070619-03:09]

192. RHP purposes to actively mitigate nuisances. [20070619-03:10]

193. The initial governing board of the MP RHP will be made up of representatives of Mount Pleasant residents. [20070619-03:11]

194. The initial governing board of the MP RHP will be made up of representatives of [20070619-03:12]

195. merchants. [20070619-03:13]

196. liquor licensees. [20070619-03:14]

197. community groups. [20070619-03:15]

198. The MP RHP's initial governing board will meet soon. [20070619-03:16]

199. The governing board will set up the mission of the organization. [20070619-03:17]

200. The governing board will set up the structure of the organization. [20070619-03:18]

201. The governing board will set up the rules of the organization. [20070619-03:19]

### 20070711-07 (17 points)

#### ANC1D advises the ABC Board to accept the petition of CR licensees to terminate old VAs

Passed by 4 to 0 vote at the legally noticed, public meeting of ANC1D on July 11, 2007, with a quorum present.

Resolved, that ANC1D advises the Alcoholic Beverage Control Board to accept the petitions of CR licensees in Mt Pleasant to terminate their old VAs, in order to end the restrictions on live music and live entertainment imposed by those VAs, and to bring about in their place a Responsible Hospitality Partnership.

Why: Circumstances and demographics in Mt Pleasant have greatly changed over the last ten years, and concerns about peace, order, and quiet of the neighborhood no longer warrant restrictions on live music and other cultural expression. These restrictions have suppressed the multiethnic vitality of our varied neighborhood.

Furthermore, property values are threatened by a moribund commercial corridor. Increased activity in the commercial corridor, attracted by live music and entertainment, will enhance the vitality of the district and increase safety and security as well.

The current absence of a healthy flow of people and traffic provides an opportunity for violence and crime, and there have recently been incidents of gang conflict on this corridor.

When people's cultural expression in an area is suppressed, they move elsewhere.

### Points

#### ANC1D act 20070711-07 was legally enacted.

0. "ANC1D advises the ABC Board to accept the petition of CR licensees to terminate old VAs" passed unanimously. The vote was 4-0. [The vote occurred] at the legally noticed, public meeting of ANC1D on July 11, 2007, with a quorum present. [20070711-07:00]

#### VA restrictions have and are suppressing the local diverse culture

202. ANC1D advises the ABCB to accept the petitions of CR licensees in Mt Pleasant to terminate their old VAs. [20070711-07:01]
203. These VAs impose restrictions on live music and live entertainment. [20070711-07:02]
204. [Termination of VA's is necessary] in order to end [these] restrictions. [20070711-07:03]
205. [Termination of VA's is necessary] to bring about in their place a Responsible Hospitality Partnership. [20070711-07:04]

#### In a decade, a great change in concerns and circumstances in MP

206. Circumstances and demographics in Mt Pleasant have greatly changed over the last ten years. [20070711-07:05]
207. Concerns about peace, order, and quiet of the neighborhood [have changed]. [20070711-07:06]
208. [Current] concerns no longer warrant restrictions on live music. [20070711-07:07]
209. [Current] concerns no longer warrant restrictions on other cultural expression. [20070711-07:08]
210. These restrictions have suppressed the multiethnic vitality of our varied neighborhood. [20070711-07:09]

211. Furthermore, property values are threatened by a moribund commercial corridor. [20070711-07:10]

#### Live music and entertainment will bring life back to a depressed commercial strip.

212. [The] attraction of live music and entertainment [brings] increased activity in the commercial corridor. [20070711-07:11]
213. Increased activity will enhance the vitality of the district and increase safety and security as well. [20070711-07:12]
214. The[re] is a current absence of a healthy flow of people and traffic. [20070711-07:13]
215. This [absence] provides an opportunity for violence and crime. [20070711-07:14]
216. [In addition], there have recently been incidents of gang conflict on this corridor. [20070711-07:15]
217. [There is concern the lack of activity on the commercial corridor will worsen.] [20070711-07:16]
218. When people's cultural expression in an area is suppressed, they move elsewhere. [20070711-07:17]

#### 20070807-05 (3 points)

##### Responsible Hospitality process

Resolved, that ANC1D invites our neighbors to participate in a prototype Responsible Hospitality process towards further improvement of the ANC-approved Cooperative Agreement.

Passed by 5 to 0 vote at the legally noticed, public meeting of ANC1D on August 7, 2007, with a quorum present.

### Points

#### ANC1D act 20070807-05 was legally enacted.

0. "Responsible Hospitality process" was passed unanimously. The vote was 5-0. The vote occurred at the legally noticed, public meeting of ANC1D on August 7, 2007, with a quorum present. [20070807-05:00]

- 219. ANC1D invites our neighbors to participate in a Responsible Hospitality process. [20070807-05:01]
- 220. The process is a prototype. [20070807-05:02]
- 221. The process is a prototype towards further improvement of the ANC-approved Cooperative Agreement. [20070807-05:03]

## 20070807-04 [\(28 points\)](#)

### Endorsement of the Hear Mount Pleasant Voluntary Agreement

Resolved, that ANC1D endorses the Hear Mount Pleasant voluntary (cooperative) agreement, and advises the Alcoholic Beverage Control Board to accept that agreement, as a replacement for any existing agreements.

Why: this agreement has been developed in extensive consultation between residents and Mount Pleasant restaurateurs, and carefully balances the needs of the restaurant proprietors against the concerns of the nearby residents. New types of entertainment are allowed the restaurants, with rigorous safeguards to prevent unreasonable disturbances of those nearby residents. The Mount Pleasant commercial district needs to be permitted to offer entertainment, for the economic viability of these restaurants. Many Mount Pleasant residents want modern entertainment to be available in their own neighborhood, within easy walking distance of their homes. The current ban on live music, live entertainment, and dancing must be lifted for the benefit of both restaurants and residents. Concerns of disruption of peace, order, and quiet in the neighborhood must be addressed, and are addressed in this voluntary agreement, through the Responsible Hospitality Partnership mechanism.

This agreement has won the support of Hear Mount Pleasant, of numerous residents, and of several Mount Pleasant restaurateurs and their legal representative. It liberalizes the regulation of Mount Pleasant restaurants, while carefully addressing problems of noise.

This is a hard-won, compromise agreement, and deserves a fair chance to prove that it can open the doors to better music and entertainment in Mount Pleasant, while protecting nearby residents from disturbance.

Passed by 5 to 0 vote at the legally noticed, public meeting of ANC1D on August 7, 2007, with a quorum present. [attached: Hear MP Cooperative Agreement]

### Points

ANC1D act 20070807-04 was legally enacted.

- 0. "Endorsement of the Hear Mount Pleasant Voluntary Agreement" was passed unanimously. The vote was 5-0. The vote occurred at the legally noticed, public meeting of ANC1D on August 7, 2007, with a quorum present. [20070807-04:00]

ANC1D endorses the Hear MP CA; ANC1D asks ABCB to accept Hear MP CA as a replacement for any existing agreements.

- 222. ANC1D endorses the Hear Mount Pleasant voluntary (cooperative) agreement. [20070807-04:01]
- 223. ANC1D advises the Alcoholic Beverage Control Board to accept that agreement. The Hear MP agreement [is intended] as a replacement for any existing agreements. [20070807-04:02]
- 224. ANC1D advises ABCB to accept the Hear MP agreement as a replacement for any existing agreements. [20070807-04:03]
- 225. This agreement has been developed in extensive consultation. [20070807-04:04]
- 226. The consultation has been between residents and Mount Pleasant restaurateurs. [20070807-04:05]

The Hear MP agreement balances offerings with safeguards.

- 227. [This agreement] carefully balances the needs of the restaurant proprietors against the concerns of the nearby residents. [20070807-04:06]

228. New types of entertainment are allowed the restaurants. [20070807-04:07]

229. There are rigorous safeguards to prevent unreasonable disturbances of those nearby residents. [20070807-04:08]

### The Mount Pleasant commercial district and residents need to be permitted entertainment.

230. The Mount Pleasant commercial district needs to be permitted to offer entertainment. [20070807-04:09]

231. The permission to offer entertainment is [needed] for the economic viability of these restaurants. [20070807-04:10]

232. Many Mount Pleasant residents want modern entertainment to be available in their own neighborhood. [20070807-04:11]

233. These residents want entertainment within easy walking distance of their homes. [20070807-04:12]

### The current ban on live music, live entertainment, and dancing must be lifted

234. The current ban must be lifted for the benefit of both restaurants and residents. [20070807-04:13]

235. The ban is on live music, live entertainment, and dancing. [20070807-04:14]

236. Concerns of disruption of peace, order, and quiet in the neighborhood must be addressed. [20070807-04:15]

### Peace, Order, and Quiet concerns are addressed through the RHP mechanism

237. Concerns of disruption of peace, order, and quiet are addressed in this voluntary agreement. [20070807-04:16]

238. They are addressed through the Responsible Hospitality Partnership mechanism. [20070807-04:17]

### There is widespread support for the Hear MP agreement.

239. This agreement has won the support of Hear Mount Pleasant. [20070807-04:18]

240. This agreement has won the support of numerous residents. [20070807-04:19]

241. This agreement has won the support of several Mount Pleasant restaurateurs. [20070807-04:20]

242. This agreement has won the support of legal representatives of MP restaurateurs. [20070807-04:21]

### The Hear MP agreement opens the door to live music with protections

243. This agreement liberalizes the regulation of Mount Pleasant restaurants. [20070807-04:22]

244. This agreement also carefully addresses the problems of noise. [20070807-04:23]

245. This is a hard-won, compromise agreement. [20070807-04:24]

### The Hear MP agreement is a chance for both businesses and residents to benefit.

246. This agreement deserves a fair chance. [20070807-04:25]

247. The "chance" is to prove that it can provide [both permissions and protections.] [20070807-04:26]

248. [The permission is to] open the doors to better music and entertainment in Mount Pleasant. [20070807-04:27]

249. [The protection refers to] protecting nearby residents from disturbance. [20070807-04:28]

### 20070904-07 (2 points)

### ANC1D rescinds all voluntary agreements of its predecessor ANC 1E.

Resolved, that ANC1D rescinds all voluntary agreements entered into by it and by its predecessor ANC (1E).

Why: this is to clear the way for its currently approved draft voluntary agreement.

Passed by 5 to 0 vote at the legally noticed, public meeting of ANC1D on September 4, 2007, with a quorum present.

### Points

ANC1D act 20070904-07 was legally enacted.

0. "ANC1D rescinds all voluntary agreements of its predecessor ANC 1E" was passed unanimously. The vote was 5-0. The vote occurred at the legally noticed, public meeting of ANC1D on September 4, 2007, with a quorum present. [20070904-07:00]

ANC1D rescinds all its prior VA's by its predecessor ANC1E to clear the way for current approved draft VA's.

250. ANC1D rescinds all voluntary agreements entered into by it and by its predecessor ANC (1E). [20070904-07:01]
251. This is to clear the way for its currently approved draft voluntary agreement. [20070904-07:02]

### 20070904-09 (5 points)

ANC1D records show that MPNA officers have long been fully aware of the petitions by licensees to terminate existing voluntary agreements.

Neighborhood discussions of these petitions was sharp and explicit, leaving no ambiguity concerning what was placarded.

Passed by 5 to 0 vote at the legally noticed, public meeting of ANC1D on September 4, 2007, with a quorum present.

### Points

ANC1D act 20070904-09 was legally enacted.

0. "ANC1D records show that MPNA officers have long been fully aware of the petitions by licensees to terminate existing voluntary

agreements" passed unanimously. The vote was 5-0. The vote occurred at the legally noticed, public meeting of ANC1D on September 4, 2007, with a quorum present. This is the second of 4 resolutions concerning liquor licenses in Mount Pleasant voted on September 4, 2007. [20070904-09:00]

Existing voluntary agreements in MP are with the Mount Pleasant Neighborhood Alliance (MPNA)

252. ANC1D records show licensees have petitioned to terminate their existing VA's. [20070904-09:01]
253. These existing Voluntary Agreements are with Mount Pleasant Neighborhood Alliance. [20070904-09:02]

ANC1D records show no ambiguity: MPNA officers are fully aware of petitions to terminate.

254. ANC1D records show that MPNA officers have long been fully aware of [these] petitions to terminate. [20070904-09:03]
255. Neighborhood discussions of these petitions was sharp and explicit. [20070904-09:04]
256. There was no ambiguity left concerning what was placarded. [20070904-09:05]

### 20070904-10 (5 points)

ANC1D advises that the ABC Board consider license renewals and entertainment endorsements of Mount Pleasant liquor licensees simultaneously.

Why: this will be most economical in the time required of restaurateurs and others involved in these negotiations.

Passed by 4 to 0 vote at the legally noticed, public meeting of ANC1D on September 4, 2007, with a quorum present.

## Points

### ANC1D act 20070904-10 was legally enacted.

0. "Consider license renewals and entertainment endorsements simultaneously" was passed unanimously. The vote was 4-0. The vote occurred at the legally noticed, public meeting of ANC1D on September 4, 2007, with a quorum present. [20070904-10:00]

257. [Currently several Mount Pleasant liquor licensees cases are before the ABCB] [20070904-10:01]

258. [Current practice of the ABCB is separate processes for license renewals and entertainment endorsements.] [20070904-10:02]

259. ANC1D advises that the ABC Board consider license renewals and entertainment endorsements simultaneously. [20070904-10:03]

260. This recommendation is for Mount Pleasant liquor licensees. [20070904-10:04]

261. This will be most economical in the time required of restaurateurs and others involved in these negotiations. [20070904-10:05]

### 20070904-11 [\(7 points\)](#)

#### ANC1D advises that the several CR license renewals in Mount Pleasant be considered simultaneously.

Why: the situations of these restaurants are nearly identical, and combining the applications will be most economical in the time and legal fees required of restaurateurs and others involved in these negotiations.

Passed by 3 to 0 vote at the legally noticed, public meeting of ANC1D on September 4, 2007, with a quorum present (Cmr Zara abstaining).

## Points

### ANC1D 20070904-11 was legally enacted.

0. "ANC1D advises that the several CR license renewals in Mount Pleasant be considered simultaneously" passed 3-0. The

vote occurred at the legally noticed, public meeting of ANC1D on September 4, 2007, with a quorum present. Commissioner Zara abstained. [20070904-11:00]

262. [Several CR license renewals in Mount Pleasant are before the ABCB.] [20070904-11:01]

263. ANC1D advises that the several CR license renewals in Mount Pleasant be considered simultaneously. [20070904-11:02]

264. The situations of these restaurants are nearly identical. [20070904-11:03]

265. Combining the applications will be most economical in time. [20070904-11:04]

266. Combining the applications will be most economical in required legal fees. [20070904-11:05]

267. Combining the applications will benefit restaurateurs. [20070904-11:06]

268. Combining the applications will benefit others participants. [20070904-11:07]

### 20071024-03 [\(41 points\)](#)

#### Open records for liquor license protesting organizations

Resolved, that ANC1D advises the Alcoholic Beverage Control Board to require that any private organization or group of individuals filing as a liquor license protestant make certain records pertinent to the protest open to public inspection, including, but not limited to, any organization by-laws, the articles of incorporation (if incorporated), the detailed records and minutes of meetings at which protests are decided and cooperative agreements defined, and votes on such actions.

Why: The consequences of a liquor license protest, in particular the legally binding provisions of a cooperative agreement, are substantial, and affect the public in the vicinity of the liquor-licensed establishment. In a democratic society, laws may not be made in secret meetings, then pronounced to the public like royal decrees. Yet this is the

effect of allowing private organizations, meeting in private, to create and impose cooperative agreements, which are attached to liquor licenses and become de facto law. Like any other organizations that so directly influence the making of public laws, these organizations should be transparent and function in the open, in the public eye, at least insofar as liquor license protests are involved.

Under current conditions, there may be questions as to the propriety of any proceedings leading to an agreement to protest a liquor license. No one may know who participated in defining such an agreement, why the group agreed to protest the license, nor who might have disagreed with the protest. There is no assurance, other than claims made by the leaders of the protestant group itself, that the proceedings leading to the agreement to protest were consistent with the rules of the organization.

Our experience in Mount Pleasant serves as an example. The local organization that has protested all liquor licenses in this area does not reveal the time and place of its protest deciding meetings, those meetings are closed to nonmembers, and the vote by the officers or board of directors to file a protest is never revealed. The discussions at those meetings are confidential, and remain forever confidential. Even the general membership of the organization cannot be certain that their organization's by-laws were respected, cannot know if there was any dissent from the decision to protest, and cannot know why the provisions of the cooperative agreement were chosen. This is not an appropriate way to go about making what amounts to local law.

Passed by 4 to 0 vote at the legally noticed, public meeting of ANC1D on October 24, 2007, with a quorum present (a quorum being three commissioners).

## Points

### ANC1D act 20071024-03 was legally enacted.

0. "Open records for liquor license protesting organizations" passed unanimously. The vote

was 4-0. The vote occurred at the legally noticed, public meeting of ANC1D on October 24, 2007, with a quorum present. [20071024-03:00]

269. ANC1D advises the ABCB to require that any entity filing as a liquor license protestant make certain records public. [20071024-03:01]

270. The entity filing as a liquor license protestant may be a private organization. [20071024-03:02]

271. The entity filing as a liquor license protestant may be a group of individuals. [20071024-03:03]

272. The records subject to public inspection are those pertinent to the protest. [20071024-03:04]

273. These records include, but are not limited to any organization by-laws. [20071024-03:05]

274. These records include, but are not limited to the articles of incorporation (if incorporated) [20071024-03:06]

275. These records include, but are not limited to the detailed records and minutes of meetings at which protests are decided [20071024-03:07]

276. These records include, but are not limited to the detailed records and minutes of meetings at which cooperative agreements [were] defined [20071024-03:08]

277. These records include, but are not limited to votes on such actions. [20071024-03:09]

278. The consequences of a liquor license protest are substantial. [20071024-03:10]

279. In particular, the legally binding provisions of a cooperative agreement have substantial consequences. [20071024-03:11]

280. The consequence of a liquor license protest affect and the provisions of a cooperative agreement affect the public. [20071024-03:12]

281. In particular, these consequences affect the vicinity of the liquor-licensed establishment. [20071024-03:13]
282. In a democratic society, laws may not be made in secret meetings. [20071024-03:14]
283. In a democratic society, laws arrived at secretly may not then be pronounced to the public like royal decrees. [20071024-03:15]
284. Yet this is the effect of allowing private organizations, meeting in private, to create and impose cooperative agreements. [20071024-03:16]
285. Cooperative agreements are attached to liquor licenses and become de facto law. [20071024-03:17]
286. In regards to liquor licensing and law, private organizations and groups of individuals [in DC] have direct influence. [20071024-03:18]
287. Other organizations that directly influence the making of public laws are subject to transparency. [20071024-03:19]
288. These organizations that affect liquor licensing should be transparent and function in the open. [20071024-03:20]
289. At least insofar as liquor license protests are involved, these organizations should function in the public eye. [20071024-03:21]
290. Under current conditions there may be [many questions and very little answers]. [20071024-03:22]
291. An example might be an inquiry as to the propriety of any proceedings leading to an agreement to protest a liquor license. [20071024-03:23]
292. No one may know who participated in defining such an agreement. [20071024-03:24]
293. No one may know why the group agreed to protest the license. [20071024-03:25]
294. No one may know who might have disagreed with the protest. [20071024-03:26]
295. No one may know what the rules of the organization are. [20071024-03:27]
296. There is no assurance, other than claims. [20071024-03:28]
297. For example, a leader of a protestant group may make claims. [20071024-03:29]
298. A claim might be that proceedings leading to the agreement to protest were consistent with the rules of the organization. [20071024-03:30]
299. [There is no public assurance, without transparency of records, documents, and policy.] [20071024-03:31]
300. Our experience in Mount Pleasant serves as an example. [20071024-03:32]
301. The local organization that has protested all liquor licenses in this area does not reveal the time and place of its protest deciding meetings. [20071024-03:33]
302. Those meetings are closed to nonmembers. [20071024-03:34]
303. The vote by the officers or board of directors to file a protest is never revealed. [20071024-03:35]
304. The discussions at those meetings are confidential. [20071024-03:36]
305. These discussions remain forever confidential. [20071024-03:37]
306. The general membership of the organization cannot be certain that their organization's by-laws were respected. [20071024-03:38]
307. The general membership cannot know if there was any dissent from the decision to protest. [20071024-03:39]
308. The general membership cannot know why the provisions of the cooperative agreement were chosen. [20071024-03:40]

309. This is not an appropriate way to go about making what amounts to local law. [20071024-03:41]

### [20071106-05 \(7 points\)](#)

#### Choice of Cooperative or Voluntary agreements

In the case of the three restaurant license renewals protested by Hear Mount Pleasant, namely Don Juan's, Don Jaime's, and Haydee's, ANC1D agrees to withdraw its protest upon the acceptance of version A of the ANC1D cooperative agreement by the licensee and the Alcoholic Beverage Control Board. For other restaurant license renewals, and new license applications, ANC1D agrees to withdraw its protest upon the acceptance of either version ANC1D cooperative agreement by the licensee alone.

Passed 4 to 1 (Jane voting "no").

#### Points

#### [ANC1D act 20071106-05 was legally enacted.](#)

0. "Choice of Cooperative or Voluntary agreements" passed, 4-1. The vote occurred at the legally noticed, public meeting of ANC1D on September 4, 2007, with a quorum present. Commissioner Zara voted "no." [20071106-05:00]

#### [3 licensees \(Don Juan, Don Jaime, Haydee's\) are protested by Hear MP](#)

310. Three restaurant license renewals are protested by Hear Mount Pleasant. [20071106-05:01]
311. These are Don Juan's, Don Jaime's, and Haydee's. [20071106-05:02]

#### [In these 3 cases, ANC1D agrees to withdraw its protest upon acceptance of an agreement by parties.](#)

312. The agreement is version A of the ANC1D cooperative agreement. [20071106-05:03]
313. The parties are the licensee and the Alcoholic Beverage Control Board. [20071106-05:04]

#### [For other restaurant license renewals, ANC1D \[has a choice policy.\]](#)

314. For other new license applications, ANC1D [has a choice policy.] [20071106-05:05]
315. For the choice policy, ANC1D protest is withdrawn upon the acceptance of either version ANC1D CAs. [20071106-05:06]
316. The acceptance of either version ANC1D CAs can be by the licensee alone. [20071106-05:07]

### [20071120-07 \(10 points\)](#)

#### Handling conflicting voluntary/cooperative agreements

ANC1D advises the ABC Board as part of its acceptance of this appeal to ask that the MPNA and the ANC enter into mediation and attempt to resolve the differences between their versions, and to clarify the arguments for each stipulation.

Further, that this take place before the rehearing so that the Board can quickly decide after the hearing which provisions to include.

ANC1D advises the ABC Board to consider this as a probe for how to handle conflicting agreements in general, towards the objective of single, simple cooperative agreements to be attached to liquor licenses.

Passed by 5 to 0 vote at the legally noticed, public meeting of ANC1D on November 20, 2007, with a quorum present (a quorum being three commissioners).

#### Points

#### [ANC1D act 20071120-07 was legally enacted.](#)

0. "Handling conflicting voluntary/cooperative agreements" passed unanimously. The vote was 5-0. The vote occurred at the legally noticed, public meeting of ANC1D on November 20, 2007, with a quorum present. [20071120-07:00]

### ANC1D asks that the MPNA & ANC1D enter into mediation, for clarification and resolution.

317. ANC1D [asks that] the ABC Board accept this appeal. [20071120-07:01]
318. ANC1D asks that the MPNA and the ANC enter into mediation. [20071120-07:02]
319. [An objective would be to] resolve the differences between their versions, [20071120-07:03]
320. [A further objective would be to] clarify the arguments for each stipulation. [20071120-07:04]

### Mediation before hearings would allow the Board to decide what provisions to include.

321. ANC 1D further asks that mediation take place before the rehearing. [20071120-07:05]
322. [This would allow] the Board [to] quickly decide after the hearing which provisions to include. [20071120-07:06]
323. ANC1D advises the ABC Board to consider this as a general probe. [20071120-07:07]

### The aim is to turn conflicting agreements into cooperative ones.

324. The nature of the general probe is how to handle conflicting agreements. [20071120-07:08]
325. The objective is to direct conflicting agreements towards single, simple cooperative agreements. [20071120-09]
326. These simple cooperative agreements [become] attached to liquor licenses. [20071120-07:10]

### 20071204-05 (21 points)

#### Voluntary agreement terminations

Resolved, that ANC1D advises the Alcoholic Beverage Control Board to include voluntary agreement protestants with standing for their consideration of voluntary agreement terminations.

Rationale: Voluntary (cooperative) agreements are permanent attachments to liquor licenses, implicitly renewed along with the liquor license. Hence, a protest of a license renewal is implicitly a protest of the existing voluntary agreement, and implies that that voluntary agreement must be terminated and replaced with a different form. Thus, a petition by a licensee for termination of a voluntary agreement amounts to the first step implied by the protest of the renewal, namely termination of an existing agreement. The only difference is that termination does not imply a new agreement, whereas the protest of the renewal does.

Because the termination step is inherent in the protested renewal, the protestants with standing for license renewal must automatically be participants in the negotiation of voluntary agreement termination. The termination of the existing agreement is not a distinct entity, but is simply one component of the protested license renewal.

Passed by 4 to 0 vote at the legally noticed, public meeting of ANC1D on December 4, 2007, with a quorum present (a quorum being three commissioners).

#### Points

#### ANC1D act 20071204-05 was legally enacted.

0. "Voluntary agreement terminations" passed unanimously. The vote was 4-0. The vote [occurred] at the legally noticed, public meeting of ANC1D on December 4, 2007, with a quorum present. A quorum being three commissioners. [20071204-05:00]

#### ANC1D intends for protesters for license renewal to have standing in all further actions on the same licensee.

327. ANC1D advises the ABCB to include VA protestants with standing in VA termination [20071204-05:01]
328. ANC1D addresses the issue of standing in consideration of voluntary agreement termination. [20071204-05:02]

329. ANC1D advises the ABCB to include voluntary agreement protestants with standing. [20071204-05:03]
330. Consideration of Protest, Termination, and Replacement of VAs [20071204-05:04]
331. Voluntary (cooperative) agreements are permanent attachments to liquor licenses. [20071204-05:05]
332. Voluntary (cooperative) agreements are implicitly renewed along with the liquor license. [20071204-05:06]
333. A protest of a license renewal is implicitly a protest of the existing voluntary agreement. [20071204-05:07]
334. A protest implies [2 things]. [20071204-05:08]
335. First, a protest implies that that voluntary agreement must be terminated. [20071204-05:09]
336. Second, a protest implies [that the VA be] replaced with a different form. [20071204-05:10]
337. The first step implied by the protest of the renewal is termination of an existing agreement. [20071204-05:11]
338. A petition by a licensee for termination of a voluntary agreement amounts to this first step. [20071204-05:12]
339. There is a difference between termination of a voluntary agreement and protest of the license renewal. [20071204-05:13]
340. This is the only difference: termination does not imply a new agreement. [20071204-05:14]
341. A protest of the license renewal does [imply a new agreement]. [20071204-05:15]
342. The termination step is inherent in the protested renewal. [20071204-05:16]
343. [In ABCB process, license renewal and voluntary agreement termination are

treated as distinct processes.] [20071204-05:17]

344. [In ABCB process, protestants for the former do not have standing for the latter] [20071204-05:18]
345. ANC1D argues that the termination of the existing agreement is not a distinct entity. [20071204-05:19]
346. The termination of the existing agreement is simply one component of the protested license renewal. [20071204-05:20]
347. ANC1D argues that the protestants with standing for license renewal must automatically be participants in the negotiation of voluntary agreement termination. [20071204-05:21]

## 20071204-06 (19 points)

### ABRA, the ABC Board, and ANC resolutions

Resolved, that ANC1D advises the Alcoholic Beverage Regulation Administration, and the Alcoholic Beverage Control Board, to respond to ANC resolutions according to the requirements specified in the District of Columbia Code. Rationale: This ANC has delivered a number of resolutions to ABRA, and the ABC Board, but has never received a reply that meets the requirements of District law. In the case of resolutions responding to notifications by ABRA of agency actions, ANC resolutions command “great weight”, which requires “acknowledgement of the Commission as the source of the recommendations and explicit reference to each of the Commission’s issues and concerns” [DC Code § 1-309.10(d)(3)(A)]. In the case of resolutions initiated by the ANC, the Code states that the agency “shall acknowledge the proposal in writing to the initiating Commission within 10 days of receipt of the proposal and shall issue a status report to the initiating Commission within 60 days of receipt” [DC Code § 1-309.10(h)(1)]. ANC1D recognizes that these legal requirements may be burdensome, and suggests that these

responses be expeditiously handled via e-mail, obviating the additional time and cost of conventional postal mail.

Passed by 4 to 0 vote at the legally noticed, public meeting of ANC1D on December 4, 2007, with a quorum present (a quorum being three commissioners).

### Points

#### ANC1D act 20071204-06 was legally enacted.

0. "ABRA, the ABC Board, and ANC resolutions" was passed unanimously. The vote was 4-0. The vote occurred at the legally noticed, public meeting of ANC1D on December 4, 2007, with a quorum present. [20071204-06:00]

#### ANC1D advises ABRA to follow the law on ANC legal requirements.

348. ANC1D advises ABRA, and ABCB, to respond to ANC resolutions according to [legal] requirements. [20071204-06:01]
349. These legal requirements are specified in the District of Columbia Code. [20071204-06:02]
350. This ANC (ANC1D) has delivered a number of resolutions to ABRA. [20071204-06:03]
351. This ANC (ANC1D) has delivered a number of resolutions to the ABC Board. [20071204-06:04]

#### ABRA has not met the legal requirements of responding to ANC1D

352. [ANC1D] has never received a reply that meets the requirements of District law. [20071204-06:05]
353. ANC resolutions command "great weight". [20071204-06:06]
354. ABRA sends notifications of agency actions to ANC1D. [20071204-06:07]
355. ANC1D responds to ABRA by resolutions. [20071204-06:08]
356. In the case of [responding] resolutions, ANC resolutions command "great weight". [20071204-06:09]

### Notes on Great Weight

357. "Great weight" requires "acknowledgement of the Commission as the source of the recommendations and explicit reference to each of the Commission's issues and concerns" [20071204-06:10]
358. This is specified in [DC Code § 1-309.10(d)(3)(A)]. [20071204-06:11]
359. [There are specifications in the DC Code § 1-309.10(h)(1)] in the case of resolutions initiated by the ANC. [20071204-06:12]
360. [The first specification deals with acknowledgment.] [20071204-06:13]
361. The agency "shall acknowledge the proposal in writing to the initiating Commission within 10 days of receipt of the proposal". [20071204-06:14]
362. [The second specification deals with response.] [20071204-06:15]
363. The agency "shall issue a status report to the initiating Commission within 60 days of receipt" [20071204-06:16]

#### ANC1D suggests ABRA & ABCB acknowledgment and responses to ANC1D be handled via e-mail.

364. ANC1D recognizes that these legal requirements may be burdensome. [20071204-06:17]
365. ANC1D suggests that these responses be expeditiously handled via e-mail. [20071204-06:18]
366. [E-mail response] would obviate the additional time and cost of conventional postal mail. [20071204-06:19]

#### 20071204-07 (6 points)

#### Revisions ANC CA B, 1

First revisions to text of ANC cooperative agreement B

[8:02 pm] Gregg asked that the ANC approve two changes to the text of the version B ANC voluntary

agreement, following negotiations with Andrew Kline, counsel for Tonic and Radius.

Paragraph 8, beginning

"8. The Licensee or the night manager shall be electronically contactable via a telephone (may also add an e-mail or other messaging) service that is posted prominently on the premises next to the Licensee's posted hours of operation."

to be replaced with

"8. The Licensee or the night manager shall be electronically contactable (e.g., textmessaging, e-mail,...) via a service that can be accessed at least via a telephone number. This phone number and contact code shall be posted prominently on the premises next to the Licensee's posted hours of operation."

Change approved, 4 to 0.

### Points

#### ANC1D act 20071204-07 was legally enacted.

0. "Revisions ANC CA B, 1" was approved unanimously. The vote was 4-0. [20071204-07:00]

367. These are first revisions to text of ANC cooperative agreement B. [20071204-07:01]

368. ANC1D approves two changes to the text of the version B ANC voluntary agreement. [20071204-07:02]

369. [These changes are made] following negotiations with Andrew Kline, counsel for Tonic and Radius. [20071204-07:03]

370. [The change is in the beginning of Paragraph 8]. [20071204-07:04]

371. From: Paragraph 8, beginning, "8. The Licensee or the night manager shall be electronically contactable via a telephone (may also add an e-mail or other messaging) service that is posted prominently on the premises next to the Licensee's posted hours of operation." [20071204-07:05]

372. To: "8. The Licensee or the night manager shall be electronically contactable

(e.g., textmessaging, e-mail,...) via a service that can be accessed at least via a telephone number. This phone number and contact code shall be posted prominently on the premises next to the Licensee's posted hours of operation." [20071204-07:06]

#### 20071204-08 (4 points)

[This impacts the Don Juan case because the cooperative agreement is what is recommended to the ABC Board to accept as a basis for their rulings. Version B voluntarily links a licensee with the responsible hospitality process.]

#### Second Revision ANC CA B

Revisions to text of ANC Cooperative agreement B  
Paragraph 11:

"11. This Cooperative Agreement supersedes any and all prior voluntary or cooperative agreements that previously applied to the license or the Licensee."

to be replaced with:

"11. This Cooperative Agreement supersedes any and all voluntary or cooperative agreements that applied to the license or the Licensee previously entered into between the parties. Further, the Licensee may with three month's notice switch between Versions A and B of the ANC 1D Cooperative Agreement. If this option is taken, then this same option will be appended to Version A."

Change approved, 4 to 0.

### Points

#### ANC1D act 20071204-08 was legally enacted.

0. The change was passed unanimously. The vote was 4-0. [20071204-08:00]

373. This is the second revision to ANC CA (cooperative agreement) B [20071204-08:01]

374. The revisions to text of ANC Cooperative agreement B occur in Paragraph 11: [20071204-08:02]

375. From "11. This Cooperative Agreement supersedes any and all prior

voluntary or cooperative agreements that previously applied to the license or the Licensee." [20071204-08:03]

376. To: "11. This Cooperative Agreement supersedes any and all voluntary or cooperative agreements that applied to the license or the Licensee previously entered into between the parties. Further, the Licensee may with three month's notice switch between Versions A and B of the ANC 1D Cooperative Agreement. If this option is taken, then this same option will be appended to Version A." [20071204-08:04]

### 20071204-10 (7 points)

[This impacts the Don Juan case because at least one protesting groups was forced out by prolonged, repeated, and rapidly changing multiple hearings. The results could have been different had their arguments and evidence been included.]

### **Combine status hearings**

Concerning Don Juan Restaurant, NHV Corporation (Haydee's), and Jaime Carrillo (Don Jaime), ANC1D requests the ABC Board to postpone the entertainment endorsement hearing currently scheduled for December 15 until January 30, 2008, combining that hearing with the renewal/termination hearing set for that date. This is to reduce the burden imposed on working people required to appear at these ABC hearings. Passed by 4 to 0 vote at the legally noticed, public meeting of ANC1D on December 4, 2007, with a quorum present (a quorum being three commissioners).

### **Points**

#### **ANC1D 20071204-10 was legally enacted.**

0. "Combine status hearings" was passed unanimously. The vote was 4-0. The vote occurred at the legally noticed, public meeting of ANC1D on December 4, 2007, with a quorum present. [20071204-10:00]

377. ANC1D requests the ABC Board to postpone the entertainment endorsement hearings for 3 restaurants. [20071204-10:01]

378. The restaurants are Don Juan's, NHV Corporation (Haydee's), and Jaime Carrillo (Don Jaime). [20071204-10:02]

379. The entertainment endorsement hearings currently are scheduled for December 15, 2007. [20071204-10:03]

380. The renewal/termination hearings for these 3 restaurants are set for January 30, 2008. [20071204-10:04]

381. ANC1D requests that the entertainment endorsement hearings be combined with the renewal/termination hearings. [20071204-10:05]

382. All hearings would then occur on January 30, 2008. [20071204-10:06]

383. This is to reduce the burden imposed on working people required to appear at these ABC hearings. [20071204-10:07]

### 20080122-11 (19 points)

[This is relevant to Don Juan case because it describes how a local council recommended to ABCB for its ruling should operate.]

### **Voluntary agreements to be made public**

Resolved, that ANC1D calls on all Mount Pleasant groups with so-called "voluntary agreements", in place or proposed, to make the contents of those agreements public by publication on the sponsoring group's Web site, the ANC1D Web site, and the Mount Pleasant Forum, within 30 days of the agreement having been presented to the licensee for signature.

Rationale: All Mount Pleasant residents are affected by these agreements, which become law in the neighborhood, enforced by the Alcoholic Beverage Regulation Administration (ABRA). Some of these agreements limit or prohibit music and entertainment offerings, or hours of operation, or dancing. The residents of Mount Pleasant ought to have an opportunity to review and comment on the provisions of these agreements, preferably

before they are imposed on Mount Pleasant restaurants and taverns.

Passed by 6 to 0 vote at the legally noticed, public meeting of ANC1D on January 22, 2008, with a quorum present (a quorum being three commissioners).

## Points

### ANC1D act 20080122-11 was legally enacted.

0. "Voluntary agreements to be made public" was passed unanimously. The vote was 6-0. The vote occurred at the legally noticed, public meeting of ANC1D on January 22, 2008, with a quorum present. [20080122-11:00]

### ANC1D calls on MP groups to web-publish their voluntary agreements; 3 modes suggested.

384. ANC1D calls on all Mt Pleasant groups with so-called "voluntary agreements" to make [the VA's] public. [20080122-11:01]

385. This refers to VA's in place or proposed. [20080122-11:02]

386. This refers to the contents of the VA's. [20080122-11:03]

387. Publication can be done in one of 3 ways. [20080122-11:04]

388. The first form of publication is the sponsoring group's Web site. [20080122-11:05]

389. The second form of publication is the ANC1D Web site. [20080122-11:06]

390. The third form of publication is the Mount Pleasant Forum. [20080122-11:07]

### Publication must be timely to give residents opportunity to review and comment.

391. Publication [must occur] within 30 days of the VA having been presented to the licensee for signature. [20080122-11:08]

### The legal consequence of VA affect all MP residents by their offerings and prohibitions.

392. All Mount Pleasant residents are affected by these agreements. [20080122-11:09]

393. [These agreements] become law in the neighborhood. [20080122-11:10]

394. The law is enforced by the Alcoholic Beverage Regulation Administration (ABRA). [20080122-11:11]

395. Some of these agreements limit or prohibit music offerings. [20080122-11:12]

396. Some of these agreements limit or prohibit entertainment offerings. [20080122-11:13]

397. Some of these agreements limit hours of operation [20080122-11:14]

398. Some of these agreements limit or prohibit dancing. [20080122-11:15]

### Mt Pleasant businesses and residents are subject to enacted law

399. [These agreements] become law in the neighborhood. [20080122-11:16]

400. These agreements impose law on Mount Pleasant restaurants and taverns. [20080122-11:17]

401. The provisions of these agreements [affect all Mount Pleasant residents]. [20080122-11:18]

### It would be preferable for VA publication to occur before imposition of law.

402. The residents of Mount Pleasant ought to have an opportunity to review and comment. [20080122-11:19]

### 20080122-14 (27 points)

#### Terminate old voluntary agreements

Resolved, that ANC1D advises the Alcoholic Beverage Control Board to permit termination of all voluntary agreements entered into by Mount Pleasant restaurants prior to 2007, upon request of the alcoholic-beverage establishment. The existing

agreement should then be replaced by one better reflecting current conditions in Mount Pleasant. Rationale: Conditions have changed substantially in Mount Pleasant in the past decade, as property values have tripled, rents have increased in a similar proportion, and countless rental apartments have been converted into expensive condominiums. Renters have been displaced by property owners, and many low-income residents have been replaced by residents of moderate or substantial incomes. The homeless population of the area has reportedly decreased by four-fifths, as services for the homeless have moved across 16<sup>th</sup> Street into Columbia Heights. The alcohol abuse problems once commonplace in Mount Pleasant have decreased sharply, as evidenced by the 50% drop in disorderly-conduct calls for service between 2000 and 2004.

Given these significant changes in the area, and the clear desire of many youthful residents of Mount Pleasant for nighttime entertainment within the neighborhood, the very restrictive provisions of the current voluntary agreements, most enacted in 2000 or before, are no longer appropriate, necessary, or desirable. Passed by 5 to 0 vote (Jane Zara abstaining) at the legally noticed, public meeting of ANC1D on January 22,

2008, with a quorum present (a quorum being three commissioners).

### Points

#### ANC1D act 20080122-14 was legally enacted.

0. "Terminate old voluntary agreements" was passed unanimously. The vote was 5-0. The vote occurred at the legally noticed, public meeting of ANC1D on January 22, 2008.

Commissioner Zara abstained. [20080122-14:00]

#### ANC1D advises ABCB to permit VA terminations in light of substantial changes in MP

403. [ANC1D believes there is just cause for licensees to terminate VAs in MP]. [20080122-14:01]

404. VA's entered into by MP restaurants prior to 2007 do not reflect current conditions in MP. [20080122-14:02]
405. ANC1D advises the Alcoholic Beverage Control Board to permit all [such] terminations. [20080122-14:03]
406. Upon request of the alcoholic-beverage establishment, for VA's entered into before 2007, ANC1D advises termination. [20080122-14:04]
407. The existing agreement should then be replaced with a new agreement that better reflects current conditions. [20080122-14:05]

#### ANC1D notes many economic, demographic, social changes in MP

408. This [new agreement should] better reflect current conditions in Mount Pleasant. [20080122-14:06]
409. Conditions have changed substantially in Mount Pleasant in the past decade. [20080122-14:07]
410. Property values have tripled. [20080122-14:08]
411. Rents have increased in a similar proportion. [20080122-14:09]
412. Countless rental apartments have been converted into expensive condominiums. [20080122-14:10]
413. Renters have been displaced by property owners. [20080122-14:11]
414. Many low-income residents have been replaced by residents of moderate incomes. [20080122-14:12]
415. Many low-income residents have been replaced by residents of substantial incomes. [20080122-14:13]
416. The homeless population of the area has reportedly decreased by four-fifths. [20080122-14:14]
417. Services for the homeless have moved across 16<sup>th</sup> Street into Columbia Heights. [20080122-14:15]

In particular, the alcohol abuse problems have decreased.

- 418. The alcohol abuse problems were once commonplace in Mount Pleasant [20080122-14:16].
- 419. Alcohol abuse problems have decreased sharply. [20080122-14:17]
- 420. [ANC1D cites evidence] in the decrease of MP alcohol abuse problems. [20080122-14:18]
- 421. Between 2000 and 2004, there was a 50% drop in disorderly-conduct calls for service. [20080122-14:19]
- 422. [ANC1D asks for] consideration of these significant changes in the area. [20080122-14:20]

#### Desire for entertainment

- 423. [ANC1D also asks for] consideration of the desire of many youthful residents of Mount Pleasant. [20080122-14:21]
- 424. These youthful residents of Mount Pleasant clearly desire nighttime entertainment. [20080122-14:22]
- 425. These youthful residents of Mount Pleasant clearly desire nighttime entertainment within the neighborhood. [20080122-14:23]

#### The current voluntary agreements [contain] very restrictive provisions. enacted in 2000 or before.

- 426. Most of the current voluntary agreements were enacted in 2000 or before. [20080122-14:24]
- 427. The current voluntary agreements are no longer appropriate. [20080122-14:25]
- 428. The current voluntary agreements are no longer necessary. [20080122-14:26]
- 429. The current voluntary agreements are no longer desirable. [20080122-14:27]

#### 20080205-10 [\(32 points\)](#)

#### Accept voluntary agreements permitting entertainment

Resolved, that ANC1D advises the Alcoholic Beverage Control Board to accept voluntary/cooperative agreements which permit dancing, cover charges, live music, and live entertainment. Resolved further, that ANC1D accepts the termination-hour limits specified in the Hear Mount Pleasant agreement, with the proviso that those limits should automatically expire at the end of one year, if there is no strong proof that there has been significant degradation of peace, order, and quiet in the area directly attributable to live music and live entertainment offerings by the licensees.

ANC1D further advises the ABC Board to terminate any voluntary/cooperative agreements that fail to permit dancing, cover charges, and live music and entertainment, as described above.

Rationale:

The need for the current severe limitations on live music and live entertainment for preservation of "peace, order, and quiet" in Mount Pleasant has never been confirmed. Mount Pleasant's restaurants and tavern are currently open until 2 and 3 AM. No one has demonstrated that adding live music and live entertainment will make any significant difference to the occasional late-night disturbances already reported by some neighbors. On the contrary, if live music and live entertainment draw more people to Mount Pleasant Street, safety and security of all residents will be enhanced. Under current conditions, Mount Pleasant's small commercial area is nearly deserted at night, presenting serious threats, real and perceived, to residents passing through the area late at night, for example, when returning home from bus stops or the Metro. Furthermore, many residents of Mount Pleasant have expressed their desire to have live music and live entertainment within walking distance of their homes.

ANC1D is well aware of the possibility of disturbances to residents by noisy people on the street, as they approach or leave our restaurants and tavern. But the total capacity of our restaurants and tavern is so small that large crowds, such as are observed in Adams Morgan at night, will not come to pass. Furthermore, ANC1D expects the formation of a Responsible Hospitality neighborhood organization that will deal with any such problems specifically, if and when they occur.

Passed by 6 to 0 vote at the legally noticed, public meeting of ANC1D on February 5, 2008, with a quorum present (a quorum being three commissioners).

### Points

#### ANC1D act 20080205-10 was legally enacted.

0. "Accept voluntary agreements permitting entertainment" was passed unanimously. The vote was 6-0. The vote occurred at the legally noticed, public meeting of ANC1D on February 5, 2008, with a quorum present (a quorum being three commissioners). [20080205-10:00]

430. ANC1D advises the Alcoholic Beverage Control Board to accept voluntary/cooperative agreements which permit dancing. [20080205-10:01]

431. ANC1D advises the Alcoholic Beverage Control Board to accept voluntary/cooperative agreements which permit cover charges. [20080205-10:02]

432. ANC1D advises the Alcoholic Beverage Control Board to accept voluntary/cooperative agreements which permit live music. [20080205-10:03]

433. ANC1D advises the Alcoholic Beverage Control Board to accept voluntary/cooperative agreements which permit live entertainment. [20080205-10:04]

434. ANC1D accepts the termination-hour limits specified in the Hear Mount Pleasant agreement, with a proviso. [20080205-10:05]

435. Those limits should automatically expire at the end of one year, without strong proof of degradation of peace, order and quiet. [20080205-10:06]

436. That condition is: if there is no strong proof that there has been significant degradation of peace, order, and quiet in the area. [20080205-10:07]

437. The degradation of peace, order and quiet must be directly attributable to live music and live entertainment offerings by the licensees. [20080205-10:08]

438. ANC1D further advises the ABC Board to terminate any voluntary/cooperative agreements that fail to permit dancing. [20080205-10:09]

439. ANC1D further advises the ABC Board to terminate any voluntary/cooperative agreements that fail to permit cover charges. [20080205-10:10]

440. ANC1D further advises the ABC Board to terminate any voluntary/cooperative agreements that fail to permit live music. [20080205-10:11]

441. ANC1D further advises the ABC Board to terminate any voluntary/cooperative agreements that fail to permit live entertainment. [20080205-10:12]

442. There are current severe limitations on live music and live entertainment for preservation of "peace, order, and quiet" in Mount Pleasant. [20080205-10:13]

443. The need for these current severe limitations to preserve "peace, order, and quiet" has never been confirmed. [20080205-10:14]

444. Mount Pleasant's restaurants and tavern are currently open until 2 and 3 AM. [20080205-10:15]

445. There are occasional late-night disturbances already reported by some neighbors. [20080205-10:16]

446. No one has demonstrated that adding live music and live entertainment will make any significant difference. [20080205-10:17]
447. On the contrary, [Mount Pleasant has more of a problem with a commercial strip being nearly deserted at night]. [20080205-10:18]
448. [With more people on the street], safety and security of all residents will be enhanced. [20080205-10:19]
449. Live music and live entertainment [will likely] draw more people to Mount Pleasant Street. [20080205-10:20]
450. Under current conditions, Mount Pleasant's small commercial area is nearly deserted at night. [20080205-10:21]
451. [The nearly deserted commercial strip] presents serious threats, real and perceived, to residents passing through the area late at night. [20080205-10:22]
452. Residents, for example, when returning home from bus stops or the Metro, [don't feel safe walking through a near-deserted street.] [20080205-10:23]
453. Many residents of Mount Pleasant have expressed their desire to have live music and live entertainment within walking distance of their homes. [20080205-10:24]
454. ANC1D is well aware of the possibility of disturbances to residents by noisy people on the street. [20080205-10:25]
455. These noisy people [may create disturbances], as they approach or leave our restaurants and tavern. [20080205-10:26]
456. The total capacity of our restaurants and tavern is small. [20080205-10:27]
457. Our total capacity is so small that large crowds will not come to pass. [20080205-10:28]
458. Problems such as observed in Adams Morgan at night, with large

crowds, [will not occur here]. [20080205-10:29]

459. ANC1D expects the formation of a Responsible Hospitality neighborhood organization. [20080205-10:30]

460. The Responsible Hospitality neighborhood organization will deal with any such problems. [20080205-10:31]

461. The RH neighborhood organization will deal with problems specifically, if and when they occur. [20080205-10:32]

### 20080205-11 [\(16 points\)](#)

#### Choice of ANC voluntary agreements

Resolved, that ANC1D agrees to withdraw its protest of liquor license renewal and entertainment endorsement upon the acceptance of either its version A agreement, modeled on the Hear Mount Pleasant CA, or its version B agreement, modeled on the All-Ways Mount Pleasant CA, by the licensee and the Alcoholic Beverage Control Board. Resolved further, that the licensee may switch from one agreement to the other upon request, if both versions have been accepted by the ABC Board.

Rationale:

ANC1D believes that these agreements should be truly voluntary, as expressed in its resolution of January 8, 2008. In that spirit, licensees should be permitted to choose between the two cooperative agreement forms developed in conjunction with two neighborhood organizations.

Passed by 4 to 2 vote at the legally noticed, public meeting of ANC1D on February 5, 2008, with a quorum present (a quorum being three commissioners).

[As compiled from documents attached to the original resolutions, the 1D secretary compiled the two versions of the ANC 1D cooperative agreement which are attached as an appendix. These were signed shortly after this resolution: Version A by Haydee's and Version B by Marleney's.]

## Points

### ANC1D act 20080205-11 was legally enacted.

0. "Choice of ANC voluntary agreements" passed by a 4-2 vote. This vote occurred at the legally noticed, public meeting of ANC1D on February 5, 2008, with a quorum present. [20080205-11:00]

### 2 different VA's from 2 different neighborhood groups

462. ANC1D has currently endorsed 2 voluntary agreements. [20080205-11:01]
463. These 2 voluntary agreements are referred to as ANC1D Version A and Version B. [20080205-11:02]
464. Version A is modeled on the Hear Mount Pleasant CA (Cooperative Agreement). [20080205-11:03]
465. Version B is modeled on the All-Ways Mount Pleasant CA. [20080205-11:04]

### If ABCB accepts either VA, then ANC1D withdraws its protest.

466. Upon acceptance of either agreement, ANC1D agrees to withdraw its protest. [20080205-11:05]
467. The protest refers to liquor license renewal. [20080205-11:06]
468. The protest can also refer to entertainment endorsement. [20080205-11:07]
469. [Agreement is between the parties of licensee and the Alcoholic Beverage Control Board.] [20080205-11:08]

### When the ABC Board has accepted both VA version, ANC1D recommends a condition where a licensee may request to switch.

470. ANC1D recommends a condition where a licensee may request to switch their agreement to another. [20080205-11:09]
471. The condition is the case where both VA versions have been accepted by the ABC Board. [20080205-11:10]

472. In this case, a licensee may switch from one agreement to the other upon request. [20080205-11:11]

### Truly voluntary - not forced - agreements.

473. ANC1D believes that these agreements should be truly voluntary. [20080205-11:12]
474. This belief is expressed in its resolution of January 8, 2008. [20080205-11:13]
475. In that spirit, licensees should be permitted to choose. [20080205-11:14]
476. In that spirit, licensees should be permitted to choose between the two cooperative agreements. [20080205-11:15]

### The CAs developed by 2 neighborhood organizations are contrasting and present more opportunity for "good fit".

477. The two cooperative agreement forms were developed in conjunction with two neighborhood organizations. [20080205-11:16]

### 20080506-09 (6 points)

#### Karaoke at Don Juan's Restaurant

Resolved, that ANC1D advises the Alcoholic Beverage Control Board that it supports karaoke at Don Juan's Restaurant without limitations on days or hours. Karaoke may be offered by the restaurant during all the permitted hours of operation of the restaurant. Why: Live music might draw crowds, so there may be some argument for limited hours of offering of live music. Karaoke does not draw many people to the area, and there is no reason for limiting the hours of offering of karaoke to restaurant patrons.

Passed by 5 to 0 vote at the legally noticed, public meeting of ANC1D on May 6, 2008, with a quorum present (a quorum being three commissioners).

Voting "yes": Commissioners Zara, McKay, Edwards, Bosserman, Scott.

## Points

### ANC1D act 20080506-09 was legally enacted.

0. "Karaoke at Don Juan's Restaurant" was passed unanimously. The vote was 5-0. The vote occurred at the legally noticed, public meeting of ANC1D on May 6, 2008, with a quorum present. [20080506-09:00]

478. ANC1D advises the Alcoholic Beverage Control Board that it supports karaoke at Don Juan's Restaurant without limitations on days or hours. [20080506-09:01]

479. [ANC1D recommends that] karaoke may be offered by the restaurant during all the permitted hours of operation of the restaurant. [20080506-09:02]

480. Live music might draw crowds. [20080506-09:03]

481. There may be some argument for limited hours of offering of live music. [20080506-09:04]

482. Karaoke does not draw many people to the area. [20080506-09:05]

483. There is no reason for limiting the hours of offering of karaoke to restaurant patrons. [20080506-09:06]