

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

In the Matter of:)	
)	
Staccato Enterprises, Inc.)	
t/a Redrocks)	
)	License No. 075299
Applicant for Renewal of a)	Order No. 2010-444
Retailer's Class CR License)	Case No. 10-PRO-00025
at premises)	
1036 Park Road, N.W.)	
Washington, D.C. 20010)	

Staccato Enterprises, Inc., t/a Redrocks, Applicant

Martin Thomas, Protestant

BEFORE: Charles Brodsky, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

**ORDER ON AMENDED VOLUNTARY AGREEMENT AND WITHDRAWAL OF
PROTEST**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Staccato Enterprises, Inc., t/a Redrocks, (Applicant), has submitted an Application to Renew its Retailer's Class CR License, located at 1036 Park Road, N.W., Washington, D.C. The Applicant and Martin Thomas, have entered into an Amended Voluntary Agreement (Agreement), dated August 16, 2010, setting forth the terms and conditions that govern the operation of the Applicant's establishment. This Agreement also constitutes a withdrawal of the Protest of this Application.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Martin Thomas are signatories to the Agreement.

Staccato Enterprises, Inc.
t/a Redrocks
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Accordingly, it is this 18th day of August 2010, **ORDERED** that:

1. The Application filed by Staccato Enterprises, Inc., t/a Redrocks (Applicant), for renewal of its Retailer's Class CR license located at 1036 Park Road, N.W., Washington, D.C., is **GRANTED**;
2. The Protest in this matter is hereby **WITHDRAWN**;
3. The above-referenced Amended Voluntary Agreement submitted by the Parties to govern the operations of the Applicant's establishment are **APPROVED** and **INCORPORATED** as part of this Order, except that the first sentence in Section 1 shall read as follows:

"Applicant agrees to install 2-inch Auralex Acoustics Studio Foam
soundproofing where the Applicant and Protestant share a common wall."

The Parties have agreed to this modification.

4. Copies of this Order shall be sent to the Applicant and Martin Thomas.

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District of Columbia
Alcoholic Beverage Control Board

Charles Brodsky, Chairperson



Mital M. Gandhi, Member



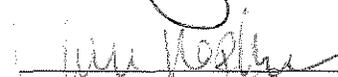
Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 1250 U Street, N.W., Third Floor, Washington, DC 20009.

VOLUNTARY AGREEMENT ADDENDUM

THIS Voluntary Agreement Addendum is made and entered into this th16 day of August 2010, by and between Staccato Enterprises, Inc. d/b/a "RedRocks Firebrick Pizzeria" ("Applicant") and Martin Thomas, owner of property at 1034 Park Road N.W., 20010 ("Protestant"), and incorporates and adds to the provisions of the parties' prior Voluntary Agreement executed on November 15, 2006.

WHEREAS, a Protest Hearing is scheduled for August 18, 2010, before the District of Columbia Alcoholic Beverage Regulation Administration ("ABRA").

AND WHEREAS, both parties wish to avoid further costs and expenses associated with litigation and seek to maintain harmonious relations.

AND WHEREAS, Applicant will agree to adopt certain measures to address the Protestant's concerns and Protestant will agree to the issuance of the Applicant's license renewal and withdraws the Protest.

NOW, THEREFORE, in consideration of the mutual covenants and undertakings memorialized herein, the parties agree as follows:

1. Soundproofing: Applicant agrees to install 2-inch Auralex Acoustics Studio Foam soundproofing on the Protestant's property located 1034 Park Road N.W. in the Protestant's basement where the Applicant and Protestant share a common wall. The soundproofing will be installed in such a manner that it is fully removable without damaging or marking the common wall.
2. Kitchen Music: Applicant agrees to limit and control the volume of any music played in the Applicant's kitchen area, to a level that is not audible on the Protestant's property.
3. Noise Signage: Applicant agrees to post signs on its patio and indoors directed to both its customers and staff as reminders to limit their noise for the benefit of neighboring residents.
4. Designation of Responsible Staff: During the Applicant's hours of operation and while staff are working on-site before and after operation, it will assign a staff employee with the duty of being accountable for maintaining appropriate noise levels and this employee furthermore will be the contact person to resolve any noise-related problems.

IN THE WITNESS WHEREOF, the Parties place their signatures to the Agreement, this th16 day of August, 2010.


Staccato Enterprises, Inc.
James O'Brien, President CEO


Martin Thomas
Owner, 1034 Park Road, N.W.

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

In the Matter of:)

Staccato Enterprises, Inc.)
t/a RedRocks)

New Application for a Retailer's)
Class CR License –)
at premises)
1034 Park Road, N.W.)
Washington, D.C.)

) License no.: 75299
) Case no.: 61120-06/111P
) Order no.: 2007-012

Staccato Enterprises, Inc., Applicant

Ali Muhammad, Esq., Chairperson, on behalf of Advisory Neighborhood Commission 1A, and Martin Thomas, Protestants

BEFORE: Charles A. Burger, Chairperson
Vera M. Abbott, Member
Judy A. Moy, Member
Audrey E. Thompson, Member
Peter B. Feather, Member
Albert G. Lauber, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST

The new application for a Retailer's Class "CR" License, having been protested, came before the Board on August 16, 2006, in accordance with D.C. Official Code § 25-601 (2001). Ali Muhammad, Esq., Chairperson, on behalf of Advisory Neighborhood Commission ("ANC") 1A, and Martin Thomas filed timely oppositions by letter.

The official records of the Board reflect that the parties have reached two (2) separate voluntary agreements, dated July 20, 2006 and November 14, 2006, which have been reduced to writing and have been properly executed and filed with the Board. The Board notes that if a conflict exists between the terms of the two (2) agreements, the terms more restrictive to the licensee shall be enforced by the Board. The Board is approving the agreements with the following changes to the November 14, 2006 agreement. The Board is amending provision 4 to read, "The Applicant agrees to maintain pest abatement service contracts and make them available to ANC 1A upon

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t/a RedRocks
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request.” The Board is also striking provisions 5 and 6 in their entirety, for not being terms covered by Title 23 of the District of Columbia Municipal Regulations § 1609.1 (2004). The Board notes that the parties do not oppose these changes. Pursuant to the agreements, the Protestants have agreed to withdraw their protests, provided, however, the Board’s approval of the pending application is conditioned upon the licensee’s continuing compliance with the terms of the agreements.

Accordingly, it is this 7th day of February 2007, **ORDERED** that:

1. The protests of Ali Muhammad, Esq., Chairperson, on behalf of ANC 1A, and Martin Thomas, are **WITHDRAWN**;
2. The new application of Staccato Enterprises, Inc., t/a RedRocks, for Retailer’s Class “CR” License at 1034 Park Road, N.W., Washington, D.C., is **GRANTED**;
3. The above-referenced agreements as amended are **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Protestants and the Applicant.

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t/a RedRocks
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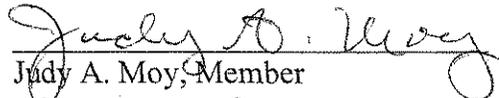
District of Columbia
Alcoholic Beverage Control Board



Charles A. Burger, Chairperson



Vera M. Abbott, Member



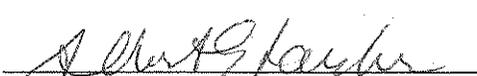
Judy A. Moy, Member



Audrey E. Thompson, Member



Peter B. Feather, Member



Albert G. Lauber, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 941 North Capitol Street, N.E., Suite 7200, Washington, D.C. 20002.

James O'Brien, President
Staccato Enterprises, Inc., DBA - RedRocks
P.O. Box 55245
Washington, DC 20040
phone: 202-841-6573 fax: 703-832-8317
info@staccatodc.com

VOLUNTARY AGREEMENT

This agreement made and entered into this 14th day of November 2006 by and between Staccato Enterprises, Inc. DBA "RedRocks Brick Oven Pizza Restaurant" (hereinafter the "Applicant") and Martin Thomas, owner of property at 1034 Park Road NW, 20010 (hereinafter the "Protestant".)

WHEREAS, subject to approval of the ABC Board, Applicant will agree to adopt certain measures to address the Protestant's concerns and Protestant will agree to the issuance of the ABC License and withdraws the Protest.

NOW, THEREFORE, in consideration of the mutual covenants and undertakings memorialized herein, the parties agree as follows:

1. Exterior Fence

Applicant agrees to build and maintain a fence of mutually agreeable design along the eastern property line of 1036 Park Rd (along the property line between 1036 Park Rd and 1034 Park Rd) for sound absorption/deflection. All costs associated with the installation and maintenance of the fence will be borne solely by the applicant.

2. Customers waiting for tables

Applicant agrees to keep customers who are waiting for tables from congregating on the yard, sidewalk, or retaining wall in front of 1034 Park Rd. Signs will be posted and staff will enforce this restriction. The entrance to the restaurant/summer garden will be solely from 11th St and not from Park Rd.

3. Illuminated Signs

Any illuminated signs shall not project any light or reflection onto 1034 Park Road NW.

4. Pest Abatement

Applicant agrees to provide all records of pest abatement service contracts to ANC 1A and make available to all residents of ANC 1A. Residents wishing to view these contracts should do so through their ANC commissioner.

5. Construction

Applicant will not perform construction work at the premises before 8 am Monday to Friday and 9 am on Saturdays and Sundays. All construction work will finish by 9 pm. This applies to work done before the restaurant is open and during its course of operation.

Applicant agrees to compensate owner of 1034 Park Rd for any damage to his garden, house, brick façade or front porch, provided there is enough evidence to prove applicant or his contractor was the guilty party.

6. Smoking

Smoking tables will be designated along the 11th Street side of the summer garden. All other tables outside will be no-smoking tables.

IN WITNESS WHEREOF, the Parties place their signatures to this agreement, this 15th day of November, 2006



Staccato Enterprises, Inc.
James O'Brien, President CEO



Martin Thomas
Owner, 1034 Park Road NW



ADVISORY NEIGHBORHOOD COMMISSION 1A
Columbia Heights, Parkview and Pleasant Plains
P.O. Box 73115
Washington, DC 20058-3115
COMMISSIONER ALI MUHAMMAD, ESQ.
CHAIRMAN

VOLUNTARY AGREEMENT

THIS AGREEMENT made and entered into this 20 day of July 2006 by and between Staccata Enterprises Inc. DBA "RedRocks Brick Oven Pizza Restaurant" (hereinafter the "Applicant") and The Neighborhood Advisory Commission 1A, on behalf of the community of Single Member District 1A-07 (herein after "Protestant").

WHEREAS, Applicant having filed an application with the District of Columbia Alcohol Beverage Control Board (hereinafter "ABC Board") for issuance of a class "C" license for the premises of 1036 Park Road, NW Washington, DC 20010, which application before the ABC Board in case No. 61120.

WHEREAS, Protestant having timely filed before the ABC Board a protest opposing the granting of the referenced application; and

WHEREAS, in recognition of the ABC Board's policy of encouraging parties to a protested proceeding to settle their differences by negotiating agreements, the parties hereto being desirous of entering into an agreement whereby, subject to approval of the ABC Board, Applicant will agree to adopt certain measures to address the Protestant's concerns and Protestant will agree to the issuance of the ABC License and withdraws the Protest.

NOW, THEREFORE, in consideration of the mutual covenants and undertakings memorialized herein, the parties agree as follows:

- 1. Noise Suppression:** There shall be no loud or live music performed in the establishment or played or performed on the patio (summer garden). Sound emanating from any part of the establishment shall not be audible in residential structures in the vicinity or on the sidewalks across the street from and adjacent to the restaurant on Park Road and 11th Streets. The Restaurant's operation shall at all times be in compliance with the D.C. Noise Control Act. Applicant will encourage employees and patrons, by posted signs or other printed notation, to be considerate of residents in the neighborhood after departing the building, by keeping conversations and other noises at a level that will not disturb the peace, order, quiet and tranquility of residents in the enjoyment of their homes or generate a noise complaint.



ADVISORY NEIGHBORHOOD COMMISSION 1A
Columbia Heights, Parkview and Pleasant Plains
P.O. Box 73115
Washington, DC 20058-3115
COMMISSIONER ALI MUHAMMAD, ESQ.
CHAIRMAN

2. Hours of Operation: Applicant shall open its doors to receive patrons from no earlier than 11:00 am Sunday through Thursday until no later than 12:00 am, except that there shall be no food or alcoholic beverages served on the summer garden (patio dining area) after 11:00 pm Sunday through Thursday, Friday and Saturday no earlier than 11:00 am and no later than 1:00 am, except that there shall be no food or alcoholic beverages served on the summer garden (patio dining area) after 12:00 am Friday through Saturday. Alcoholic beverages may not be carried out of the establishment except that alcoholic beverages may be consumed on the patio ("summer garden") and shall only be available during the Hours Sunday through Thursday 11:00 am to 11:00 pm, Friday through Saturday 11:00 am to 12:00 am. Alcoholic beverages may not be consumed on the public sidewalks adjacent to the Restaurant along Park Road and 11th Street. Food service will be available at all times that alcohol beverages are served.

3. Trash Removal: Applicant will maintain regular trash/garbage removal service, 5 times per week (days to be decided by owner and business necessity) from the trash and dumpster area and see that those areas are regularly kept clean. The Applicant shall enclose the dumpsters and keep dumpster lids tightly closed and incapable of being entered by rodents, in order to limit odors and help control pest and rodent population. Applicant will conduct regular rodent and pest (insect) abatement.

4. Removal of Grease and Oils: Applicant will provide for the proper removal of grease and oils and will not deposit these substances for removal in dumpster.

5. Litter and debris Removal: Applicant will maintain free of trash and litter the public space and streets to a minimum distance 18 feet from the curb, adjacent to the front and sides of the Restaurant-building along Park Road and 11th Street, in compliance with applicable D.C. regulation in this respect, as often as need (minimum of twice daily).

6. Food Service to Liquor Ratio: Applicant will comply in all respects with the requirements of its license or other requirements of the law, including maintaining the appropriate ratio between food service and liquor sales, (45 percent liquor sales and 55 percent Food sales or that ratio mandated by District Regulations pursuant to the Particular License Requested herein). The Applicant shall refuse to sell alcohol or cigarettes to legally underage persons, and refuse to sell alcohol to inebriated patrons.



ADVISORY NEIGHBORHOOD COMMISSION 1A

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P.O. Box 73115

Washington, DC 20058-3115

COMMISSIONER ALI MUHAMMAD, ESQ.

CHAIRMAN

7. Ingress and Egress: No patron shall be allowed to ingress or egress at any location except at the designated building's entrance's for restaurant patronage except where this event may occur the designated emergency exits.

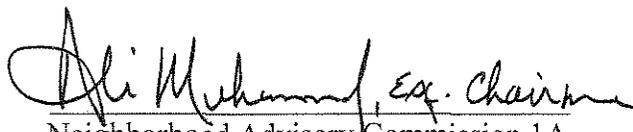
8. Public Space Usage: No tables shall nor structures shall be placed outside the building without proper licensing and notification except that tables on the patio (summer garden) shall be allowed for dining purposes during months when weather permits. The Applicant shall when dining tables for the patio (summer garden) cannot be used store such in a manner that is not nuisance or a public eyesore.

9. Employment Practices: Applicant will make its best effort to recruit, hire and maintain employees from the Columbia Heights, Park View and Pleasant Plains neighborhood and adjacent areas.

10. Right to Protest: The parties agree that if reasonable discussions of violations are not resolved then any failure of the Applicant to adhere to the foregoing commitments would constitute a breach of this agreement and grounds for the Protestant to petition the Board for issuance of an order to Show Cause, as provided by the D.C. Regulations. \

IN WITNESS WHEREOF, the Parties place their signatures to this agreement, this 20 day of July, 2006


Staccato Enterprises Inc.
James O'Brien President CEO


Neighborhood Advisory Commission 1A
Chairman



ADVISORY NEIGHBORHOOD COMMISSION 1A
COMMISSIONER ALI MUHAMMAD, ESQ.
CHAIRMAN
3514 10TH STREET, NW
WASHINGTON, D.C 20010



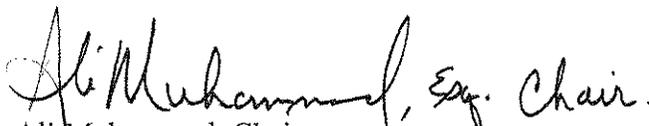
Mr. Charles A. Burger, Chair
ABC Control Board
Alcoholic Beverage Regulation Administration
941 North Capital Street, NE Suite 700
Washington, D.C. 20002

Dear Mr. Burger,

This letter is to inform you that Advisory Neighborhood Commission 1A is lodging a **PROTEST** to Staccato Enterprise, Inc., DBA RedRocks Brick Oven Pizza Restaurant's application to serve alcoholic beverages at its establishment located at 1036 Park Road and 11th Street, NW, Washington D.C. 20010. (License Class: Retailer "C" Restaurant, **License No. 75299 and Application No. 61120**, Petition date July 31, 2006, Hearing date August 16, 2006).

This **PROTEST** comes after determining at the regular scheduled monthly community meeting of Advisory Neighborhood Commission 1A, held on Wednesday, July 12, 2006 that both residents and Commissioners showed great concern regarding this application. The concerns are that the grant of this application would have a grave affect and negative impact on the **Peace, Order and Quiet** of the community and in addition impose an impediment to the **Pedestrian Vehicular Traffic**, which is already showing great signs of strain. Therefore, we ask that you reject said Applicant and Application for approval.

Thank You


Ali Muhammad, Chair
Advisory Neighborhood Commission 1A
Columbia Heights, Pleasant Plains and Park View

Attn: Cynthia Simms, Community Resource Officer
James O'Brien-Staccato Enterprises Inc., DBA RedRocks Brick Oven Restaurant