

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

<u>In the Matter of:</u>)	
)	
Connecticut Avenue CVS, Inc.)	
t/a CVS Pharmacy #2104)	
)	
Application for a Retailer's Class B)	
License – renewal)	Application no.: 11079-04/053P
at premises)	Order no.: 2005-06
5011 Connecticut Avenue, NW)	
Washington, D.C.)	
)	

Connecticut Avenue CVS, Inc., Applicant

Catherine J. Wiss, Chairperson, on behalf of the Advisory Neighborhood Commission 3F, Protestant

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

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST

The application, having been protested, came before the Board on January 7, 2004, in accordance with D.C. Official Code § 25-601 (2001). Catherine J. Wiss, Chairperson, on behalf of the Advisory Neighborhood Commission 3F, Protestant, filed timely opposition by letter dated December 16, 2003.

The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. The Board is striking provision 3 of the agreement for not being a term covered by Title 23 of the District of Columbia Municipal Regulations ("DCMR") § 1609.1 (2004), but is approving the rest of the agreement. Pursuant to the agreement, dated September 20, 2004, the Protestant has agreed to withdraw the protest, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

Connecticut Avenue CVS, Inc.
t/a CVS Pharmacy #2104
Case no. 11079-04/053P
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Accordingly, it is this 5th day of January 2005, **ORDERED** that:

1. The protest of Catherine J. Wiss, Chairperson, on behalf of the Advisory Neighborhood Commission 3F, is **WITHDRAWN**;
2. The application of Connecticut Avenue CVS, Inc., t/a CVS Pharmacy #2104 for a retailer's class B license (renewal) at 5011 Connecticut Avenue, N.W., Washington, D.C. is **GRANTED**;
3. The above-referenced agreement, as amended by the Board, is **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Protestant and the Applicant.

Connecticut Avenue CVS, Inc.
t/a CVS Pharmacy #2104
Case no. 11079-04/053P
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District of Columbia
Alcoholic Beverage Control Board

Charles A. Burger
Charles A. Burger, Chairperson

Vera M. Abbott
Vera M. Abbott, Member

Judy Moy
Judy Moy, Member

NON VOTING
Audrey E. Thompson, Member

Peter B. Feather
Peter B. Feather, Member

Albert G. Lauber
Albert G. Lauber, Member

NON VOTING
Eartha Isaac, 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.

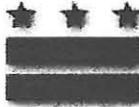
Government of the District of Columbia
Advisory Neighborhood Commission 3F
North Cleveland Park ■ Forest Hills ■ Tenleytown

3F01 Carl R. Kessler
3F02 Karen Lee Perry
3F03 Robert V. Maudlin
3F04 David J. Bardin
3F05 Judith M. Bernardi
3F06 Cathy Wiss
3F07 Stephen N. Dennis

Treasurer
Chair

Vice Chair

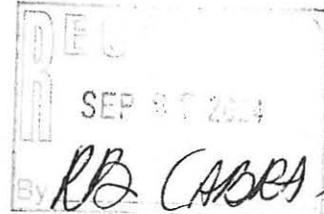
Secretary



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No. 244
Washington, DC 20008-2322
www.anc3f.org
e-mail: anc3f@juno.com
phone: 202.362.6120
fax: 202.686.7237

September 20, 2004

Mr. Charles Burger, Chair
Alcoholic Beverage Control Board
Suite 7200
941 North Capitol Street, N.E.
Washington, D.C. 20002



Re: Application No. 11079, Retail Class "B" License
CVS Store #2104, 5011 Connecticut Avenue, N.W.

Dear Mr. Burger:

On December 16, 2003, ANC3F filed a protest to the renewal of the Retail Class "B" License for CVS Store #2104 at 5011 Connecticut Avenue, N.W. which is located in ANC3F.

On September 20, 2004, ANC3F entered into a Voluntary Agreement with CVS which includes a provision for ANC3F to withdraw its protest. Therefore, ANC3F withdraws the December 16, 2003 protest of the renewal and submits the Voluntary Agreement to the Alcoholic Beverage Control Board.

Very sincerely yours,


Karen Lee Perry
Chair

enc. Voluntary Agreement, Connecticut Avenue CVS, Inc. and ANC3F

cc: Andrew J. Kline

VOLUNTARY AGREEMENT

Made this 20th day of September 2004, by and between Connecticut Avenue CVS, Inc. t/a CVS Pharmacy #2104 (the applicant), and Advisory Neighborhood Commission 3F, North Cleveland Park, Forest Hills and Tenleytown (the ANC).

WITNESSETH

WHEREAS: pending before the Alcoholic Beverage Regulation Administration, is the Applicant's application for renewal of a Retailer Class "B" license for its premises at 5011 Connecticut Avenue, N.W., Application No. 11079-04/053P; and

WHEREAS: the Applicant is located within the boundaries of the ANC; and

WHEREAS: the ANC protested renewal of the license on the grounds of peace, order, and quiet; and

WHEREAS: both Applicant and ANC desire to enter into an agreement articulating an understanding of specific operating procedures and practices of Applicant,

THEREFORE: in consideration of the premises recited, and the mutual covenants and promises set forth below, the parties agree as follows:

1. Applicant shall comply with all aspects of the Civil Infractions Act and the Litter Control Administration Act and maintain in a neat and orderly appearance the exterior areas of its store, including the associated parking area under its control.
2. Applicant shall maintain in a neat and orderly appearance the area around its dumpsters with all trash and debris placed in the dumpsters. The covers to the dumpsters shall be secured in a closed position when not in use. CVS shall direct its removal service not to empty the dumpsters earlier than 7:00 a.m.
3. Applicant shall keep the sidewalk in front of the property clear of ice and snow.

4. Any contemplated substantial changes to Applicant's operation will be brought to the attention of the ANC prior to implementation and will be implemented only after Alcoholic Beverage Control Board/Alcoholic Beverage Regulation Administration approval.
5. Upon execution of this Agreement by both parties, the ANC shall withdraw its protest of the renewal of CVS's Retail Class "B" license.
6. The parties further agree that any failure of Applicant to adhere to the foregoing commitments would constitute grounds for the ANC to petition the Alcoholic Beverage Control Board for issuance of an order to show cause to gain the Applicant's compliance with the terms of this Agreement.

IN WITNESS WHEREOF: the parties have affixed hereunto their hands and seals on the years and day first above written.

APPLICANT: Connecticut Avenue CVS, Inc.
T/A CVS Pharmacy #2104

BY: 

Name: Thomas S. Moffatt
Title: Secretary and Senior Legal Counsel

ADVISORY NEIGHBORHOOD COMMISSION 3F

BY: 
Karen Lee Perry, Chair

Approved by a vote of 5-0-0 at a duly noticed public meeting of ANC 3F on Sept 20, 2004, with a quorum present.

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

In the Matter of:)
)
Connecticut Avenue CVS, Inc.)
t/a CVS Pharmacy #2104)
)
Application for a Retailer's Class)
CR License (renewal))
at premises)
5011-13 Connecticut Avenue, N.W.)
Washington, D.C.)
)

Application no. 11079-02/118P
2002-273

Anne Mohnkern Renshaw, Chairperson, on behalf of the Advisory Neighborhood Commission 3G, Protestant

Mary Carolyn Brown, Esquire, on behalf of the Applicant

BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Charles Burger, Member
Laurie Collins, Member
Judy Moy, Member
Ellen Opper-Weiner, Esquire, Member
Audrey Thompson, Member

**ORDER ON WITHDRAWN PROTEST
AND VOLUNTARY AGREEMENT**

The application, having been protested, came before the Board on September 18, 2002 in accordance with the D.C. Official Code Section 601 (2000 Edition). Anne Mohnkern Renshaw, Chairperson, on behalf of the Advisory Neighborhood Commission 3G, filed a timely protest by letter dated July 24, 2002.

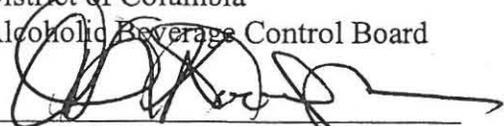
The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the agreement, dated October 30, 2002, the protestant has agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

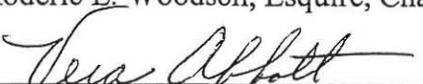
Connecticut Avenue CVS, Inc.
t/a CVS Pharmacy #2104
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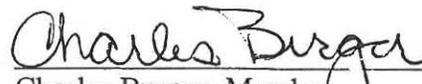
Accordingly, it is this 4th day of December 2002, **ORDERED** that:

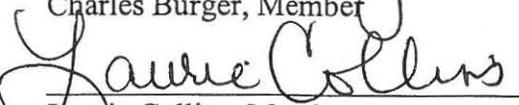
1. The opposition of Anne Mohnkern Renshaw, Chairperson, on behalf of the Advisory Neighborhood Commission 3G, is **WITHDRAWN**;
2. The application of Connecticut Avenue CVS, Inc. t/a CVS Pharmacy #2104 for a retailer's class B license (renewal) located at 5011 Connecticut Avenue, N.W., Washington, D.C. is **GRANTED**;
3. The above-referenced agreement between the parties is **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Protestant and the Attorney for the Applicant.

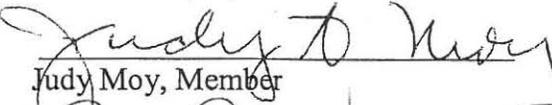
District of Columbia
Alcoholic Beverage Control Board

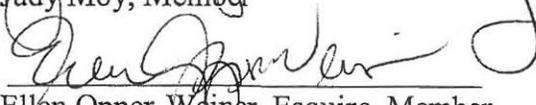

Roderic L. Woodson, Esquire, Chair


Vera Abbott, Member


Charles Burger, Member


Laurie Collins, Member


Judy Moy, Member


Ellen Opper-Weiner, Esquire, Member


Audrey E. Thompson, Member

AGREEMENT

This Agreement made this 30th day of October, 2002, by and between Connecticut Avenue CVS, t/a CVS Store No. 2014 ("CVS") and Advisory Neighborhood Commission 3/4G ("ANC").

WHEREAS, CVS holds a Retail Class B license issued by the District of Columbia Alcoholic Beverage Control Board ("ABC Board") for its store at 5011-13 Connecticut Avenue, N.W.; and

WHEREAS, CVS has applied to the ABC Board to renew its Retail Class B license in Case No. 11076-02/118P; and

WHEREAS, the CVS Store at 5011-13 Connecticut Avenue, N.W., is located within the boundaries of the ANC; and

WHEREAS, the ANC has protested the renewal of the CVS Retail Class B license due to negative impacts on the community; and

WHEREAS, CVS and the ANC desire to resolve any adverse impacts of its Retail Class B license as set forth in this Agreement.

NOW THEREFORE, in consideration of the recitals set forth above and the mutual promises set forth herein, and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. CVS will participate in community affairs by attending an ANC meeting at least once every six months;
2. Upon execution of this Agreement by the parties, and for as long as CVS has control over the store at 5011-13 Connecticut Ave., N.W., CVS shall, at least twice a week, begin cleaning and maintaining in a neat and orderly appearance the exterior areas of its store, including the associated parking areas under its control. CVS shall also clean and maintain the exterior areas associated with the store under its control, including the associated parking areas, at 5550 Connecticut Avenue, N.W., Washington, D.C.
3. CVS shall post written notice inside its store at 5011-13 Connecticut Avenue, N.W., advising patrons that the store is being cleaned and maintained as a result of a voluntary agreement with the Chevy Chase ANC to obtain support for renewal of its Retail Class B license.
4. Upon execution of the Agreement by both parties, and for as long as CVS has control over the stores at 5011-13 and 5550 Connecticut Avenue, N.W., CVS shall begin cleaning and maintaining in a neat and orderly appearance the areas around its dumpsters at its stores located at 5011 and 5550 Connecticut Avenue, N.W., with all trash and debris placed in

the dumpsters. The covers to the dumpsters shall be secured in a closed position when not in use. CVS shall direct its trash removal service not to empty the dumpster earlier than 7:00 a.m.

5. CVS shall post notice inside the 5011-13 and 5550 Connecticut Avenue stores advising patrons of the name of its trash removal service and the times at which trash is removed.

6. Upon execution of this Agreement by both parties, the ANC shall withdraw its protest of the renewal of CVS's Retail Class B license for 5011-13 Connecticut Avenue, N.W.

IN WITNESS WHEREOF, the parties hereto have signed and delivered these presents as their own free act and deed as of the day and year first written above.

CONNECTICUT AVENUE CVS, INC.,
t/a CVS Store No. 2014

By: [Signature]
Its: District Sales Mgr.

ADVISORY NEIGHBORHOOD COMMISSION 3/4G

By: [Signature]

Its: Chairperson

#1130219 v1 - cvs agmt with anc 3/4g

WAS1 #1130219 v1