

32870

AGREEMENT

Made this 12th day of November 1998, by and between B & B Restaurant Inc. t/a Buon Appetito (Buon Appetito) and Advisory Neighborhood Commission 3D (ANC).

WHEREAS, Buon Appetito has filed with the District of Columbia Alcoholic Beverage Control Board (the ABC Board) an application for renewal of a Retailer's license Class DR, authorizing the sale of wine and beer for on-premises consumption; and

WHEREAS, the parties have negotiated to resolve the issues raised by neighbors at a meeting of the ANC on October 13, 1998; and

WHEREAS, the parties desire to enter into a voluntary agreement, pursuant to 23 D.C. M. R. Section 1513, memorializing the results of these negotiations;

NOW, THEREFORE, the parties agree as follows:

1. Sale of wine and beer at Buon Appetito will be limited to dining room patrons and persons waiting for carry out orders. No alcoholic beverages will be carried off the premises.
2. Buon Appetito's dining room opens at 11:00 a.m. every day and admits patrons for food service until 11:00 p.m. on Sunday through Thursday and until midnight on Friday and Saturday. No customers will admitted except during these hours.
3. Buon Appetito's management and employees will park legally at all times. In addition, Buon Appetito management and employees will voluntarily refrain from parking in these locations:
 - the 5300 block of Dana Place, N.W.;
 - the 5000 block of Dana Place, N.W. between the alley and Fulton Street, N.W. (including in front of 5041 and 5043 Dana Place N.W.); and
 - the 5000 block of MacArthur Blvd. N.W.Buon Appetito's employees may park on the north side of the 5000 block of Dana Place N.W. above Fulton Street (adjacent to Key School). Buon Appetito will inform its employees of the provisions of this paragraph and vehicles found in violation of these restrictions will be moved immediately upon request of the neighbors.

4. Buon Appetito will instruct its purveyors not to park their delivery vehicles at any time in the 5000 block of Dana Place N.W. or the 5000 block of MacArthur Blvd. N.W. Buon Appetito will refuse to accept deliveries from purveyors whose vehicles violate these restrictions. Taking into account neighborhood wishes, the ANC and Buon Appetito in good faith will jointly and along with other business interests in the neighborhood request the District of Columbia Department of Public Works to institute or re-institute additional or enlarged loading zones to accommodate deliveries for the commercial interests on both sides of the 5100 block of MacArthur Blvd.

5. In order to minimize disruption to the immediate neighborhood, Buon Appetito will undertake such reasonable measures as are required to prevent neighborhood nuisances by employees, purveyors or patrons in the environs of the premises (most notably the alley behind the premises) including the loud playing of music, honking of horns, littering, loitering, the consumption of alcoholic beverages on the street or in vehicles, illegal operation of vehicles, repairing or cleaning of vehicles, or other forms of disruptive or inappropriate conduct on the part of employees or other persons associated with the restaurant. Buon Appetito management and employees will not loiter, park cars, or in any other way utilize the space of the closed gas station at the corner of Dana Place and MacArthur Blvd.

6. All Buon Appetito trash/garbage pick-ups and purveyor deliveries will be made between 8:00 a.m. and 6:00 p.m. Monday – Friday, and 9:00 a.m. and 6:00 p.m. Saturdays. No trash/garbage pick-ups or purveyor deliveries will be permitted on Sundays.

7. Buon Appetito will keep the perimeter of its premises, particularly those areas adjacent to the trash dumpster and rear alley access, reasonably clean and free of garbage, grease and litter, and shall take regular steps to control pests and rodents. Buon Appetito will take prompt action to restore safe and sanitary conditions in response to legitimate complaints by the ANC or neighbors concerning infractions of this provision.

8. On being informed by the ANC or neighbors of breaches of this Agreement, Buon Appetito will investigate and rectify the problem. Reports of breaches will be as prompt and specific as reasonably possible, including date, time, place and description of persons/vehicles involved.

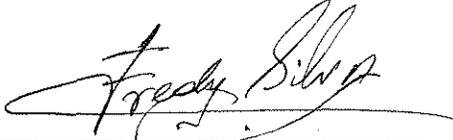
9. The parties request that the text of this Agreement be incorporated in the order of the ABC Board granting Buon Appetito's renewal application.

10. Buon Appetito acknowledges that failure to adhere to these commitments will constitute grounds for the ANC to petition the ABC Board for issuance of an Order to Show Cause, pursuant to 23 D.C.M.R. 1513.5, to gain Buon Appetito's compliance with the terms of this Agreement. Prior to so petitioning, however, the ANC will notify Buon Appetito of any perceived violations and afford Buon Appetito a minimum of seven (7) days in which to address or rectify the perceived violation. The foregoing remedy is

without prejudice to any other remedies available to property owners and residents.

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

B & B Restaurant Inc. t/a Buon Appetito

By: 
FREDDY W. SILVA
President

Advisory Neighborhood Commission 3D

By: 
Eleanor Roberts Lewis
Commissioner 3D-05

AGREEMENT

2000 JUN 27 AM 10:57

Made this 31 day of May 2000, by and between B & B Restaurant Inc. t/a Buon Appetito (Buon Appetito) and Advisory Neighborhood Commission 3D (ANC).

WHEREAS, Buon Appetito has filed with the District of Columbia Alcoholic Beverage Control Board (the ABC Board) an application for renewal of a Retailer's license Class DR, authorizing the sale of wine and beer for on-premises consumption; and

WHEREAS, the parties have negotiated to resolve the issues raised by neighbors ;
and

WHEREAS, the parties desire to enter into a voluntary agreement, pursuant to 23 D.C. M. R. Section 1513, memorializing the results of these negotiations;

NOW, THEREFORE, the parties agree as follows:

1. Sale of wine and beer at Buon Appetito will be limited to dining room patrons. No alcoholic beverages will be carried off the premises.
2. Buon Appetito's dining room opens at 11:00 a.m. and admits patrons for food service until 11:00 p.m., seven days a week. No customers will admitted except during these hours.
3. Buon Appetito's management and employees will park legally at all times. In addition, Buon Appetito management and employees will voluntarily refrain from parking in these locations:
 - the 5300 block of Dana Place, N.W.;
 - the 5000 block of Dana Place, N.W. between the alley and Fulton Street, N.W.(including in front of 5041 and 5043 Dana Place N.W.);and
 - the 5000 block of MacArthur Blvd. N.W.

Buon Appetito's employees may park on the north side of the 5000 block of Dana Place N.W. above Fulton Street (adjacent to Key School). Buon Appetito will inform its employees of the provisions of this paragraph and vehicles found in violation of these restrictions will be moved immediately upon request of the neighbors.

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5. In order to minimize disruption to the immediate neighborhood, Buon Appetito will undertake such reasonable measures as are required to prevent neighborhood nuisances by employees, purveyors or patrons in the environs of the premises (most notably the alley behind the premises) including the loud playing of music, honking of horns, littering, loitering, the consumption of alcoholic beverages on the street or in vehicles, illegal operation of vehicles, repairing or cleaning of vehicles, or other forms of disruptive or inappropriate conduct on the part of employees or other persons associated with the restaurant. Buon Appetito management and employees will not loiter, park cars, or in any other way utilize the space of the closed gas station at the corner of Dana Place and MacArthur Blvd.

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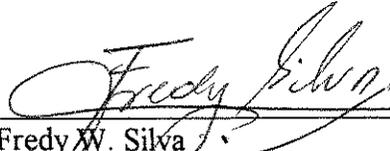
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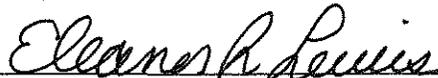
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B & B Restaurant Inc. t/a Buon Appetito

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Fredy W. Silva
President

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Eleanor Roberts Lewis
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