

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

In the Matter of:)
)
876 Café, LLC)
t/a 876 Café)
)
Applicant for a New)
Retailer's Class CR License)
)
at premises)
4221 Connecticut Avenue, N.W.)
Washington, D.C. 20008)
)

License No. ABRA-089461
Order No. 2012-331

876 Café, LLC, t/a 876 Café (Applicant)

Roman Jankowski, Chairperson, Advisory Neighborhood Commission (ANC) 3F

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

ORDER ON VOLUNTARY AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that 876 Café, LLC, t/a 876 Café, Applicant for a new Retailer's Class CR license, located at 4221 Connecticut Avenue, N.W., Washington, D.C., and ANC 3F have entered into a Voluntary Agreement (Agreement), dated May 14, 2012, that governs the operation of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Roman Jankowski, on behalf of ANC 3F, are signatories to the Agreement.

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t/a 876 Café
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Accordingly, it is this 1st day of August, 2012, **ORDERED** that:

1. The above-referenced Voluntary Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modification:

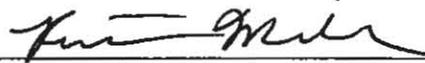
Section 17 – The following sentence shall be modified to read as follows:
“Any change from this model shall be of concern to residents and requires prior approval by the ABC Board.”

The parties have agreed to this modification.

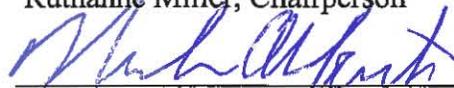
2. Copies of this Order shall be sent to the Applicant and ANC 3F.

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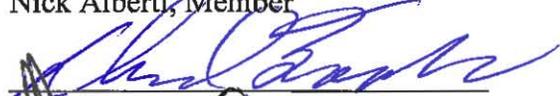
District of Columbia
Alcoholic Beverage Control Board



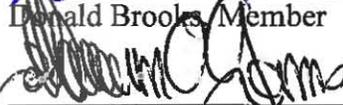
Ruthanne Miller, Chairperson



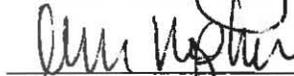
Nick Alberti, Member



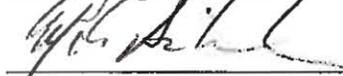
Donald Brooks, Member



Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3F
North Cleveland Park • Forest Hills • Tenleytown

3F01 – Adam Tope, Secretary
3F02 – Karen Perry, Vice Chair
3F03 – Karen Bailey
3F04 – Thomas Whitley
3F05 – Roman Jankowski, Chair
3F06 – Cathy Wiss
3F07 – Bob Summers gill, Treasurer



Box 244
4401- A Connecticut Avenue, N.W.
Washington, D.C. 20008-2322

Web site: www.anc3f.us

E-mail: commissioners@anc3f.us
Phone: 202.362.6120

May 22, 2012

Ruthanne Miller, Chair
Alcoholic Beverage Control Board
1250 U Street, N.W., 4th Floor
Washington, D.C. 20009

RE: 876 Café LLC T/A 876 Cafe
ABRA – 089461
4221-B Connecticut Avenue, N.W.

Dear Chair Miller:

At a duly noticed public meeting on Monday, May 14, 2012, Advisory Neighborhood Commission 3F (ANC 3F) voted 7-0-0, with a quorum present (a quorum being 4) to adopt the attached resolution and voluntary agreement and to not object to the granting of a stipulated license and Class "CR" alcohol license contingent on the approval of the Voluntary Agreement.

The applicant is aware that the placards must remain in the window of the establishment for the determined time even if the Board grants the stipulated license.

If you have any questions or concerns about the resolution or the Voluntary Agreement, please contact me or Commissioner Karen Perry, the designated ANC Commissioner, and in whose single member district this establishment is located. She can be reached at 202-363-6748 or karenperry2@juno.com.

Sincerely,

A handwritten signature in black ink that reads "Roman Jankowski".

Roman Jankowski, Chair

Attachments: ANC Resolution
Voluntary Agreement

**ANC 3F RESOLUTION
APPLICATION FOR A CLASS "CR" LICENSE AND STIPULATED LICENSE
FOR 876 CAFÉ LLC T/A 876 CAFÉ**

*Advisory Neighborhood Commission 3F
North Cleveland Park, Forest Hills & Tenleytown
4401-A Connecticut Avenue, N.W. Box #244
Washington, D.C. 20008-2322*

WHEREAS, 876 CAFÉ LLC T/A 876 CAFÉ (Applicant) has applied for a Retail Class "CR" Alcohol License, ABRA-089461, for a new full service restaurant serving Jamaican and American cuisine at 4221-B Connecticut Avenue, in SMD 3F02; and

WHEREAS, the Applicant and ANC 3F have entered into a voluntary agreement; and

WHEREAS, by signing this voluntary agreement, the Applicant shows an intent to operate and maintain the establishment in such a manner as to minimize the effect on the peace, order, and quiet of the neighborhood; and

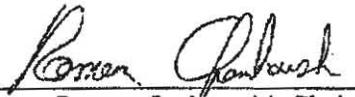
WHEREAS, the Applicant has posted in its front window on Friday, May 11, 2012, the placard announcing the application for a Class "CR" license, with a Petition Date of June 25, 2012, and a Hearing Date of July 9, 2012; and

WHEREAS, the Applicant desires to open the restaurant and start serving alcohol before the hearing date, for which it will need a stipulated liquor license; and

WHEREAS, the Applicant is aware that the placards must remain in the window of the establishment for the determined time even if the Board grants the request for a stipulated license;

THEREFORE BE IT RESOLVED THAT, ANC 3F does not object to granting a Class "CR" alcohol license to the Applicant and ANC 3F does not object to the request for a stipulated liquor license.

This resolution was approved by a vote of 7-0-0 at a duly noticed public meeting of ANC 3F on Monday, May 14, with a quorum present, a quorum being four.



Roman Jankowski, Chair

AGREEMENT

Made this 14th day of May 2012, by and between 876 Café LLC T/A 876 Cafe (the "applicant") and ADVISORY NEIGHBORHOOD COMMISSION 3F, North Cleveland Park, Forest Hills, and Tenleytown (the "ANC" or "ANC 3F").

WITNESSETH:

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control ("ABC") Board is Applicant's application for a Retail Class "CR" liquor license for the premises known as 4221-B Connecticut Avenue, N.W., License Number ABRA-089461; and

WHEREAS, both Applicant and the ANC (the "parties") are desirous of entering into a Voluntary Agreement commemorating certain understandings regarding Applicant's operating plans;

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

1. Applicant shall manage and operate a *bona fide* restaurant on its premises with an emphasis on food.
2. The restaurant has one floor and, according to the Certificate of Occupancy, the occupancy load is 73 persons. Alcohol will be served primarily in conjunction with meal service.
3. The Applicant's hours of operation and sale, service, or consumption of alcoholic beverages for the in-door restaurant shall be as follows:

Monday through Sunday: 10:00 a.m. – 12:00 midnight

4. The Applicant shall be permitted to have an unenclosed sidewalk café pending approval from the Public Space Committee and all necessary DDOT permits and DCRA occupancy permits.
5. The Applicant's hours of operation and sale, service, or consumption of alcoholic beverages for the outdoor café shall be as follows:

Sunday through Monday: 10:00 a.m. – 11:00 p.m.

6. The Applicant shall be permitted to have a 1-3 piece Jazz Band. The hours of operation for the Jazz Band shall be as follows:

Sunday: 11:00 a.m. – 3:00 p.m.
Friday & Saturday 6:00 p.m. – 11:00 p.m.

7. The Applicant shall also be permitted to present recorded music inside the restaurant as soft background music for dining.
8. No doors to the exterior of the restaurant shall be propped open at any time when music is being played in the restaurant. The Applicant shall permit no form of dancing. Applicant will strictly comply with D.C. Official Code § 25-725 and to that end shall make improvements to the property and take all necessary actions to ensure that music, noise, and vibration from the Establishment are not audible in any other premises other than the licensed establishment. Applicant agrees to keep its doors and windows closed when music is being played at the

establishment. If necessary, Applicant will take reasonable steps to reduce noise emanating from the Establishment from the opening of the entry or exit doors.

9. Patrons whether seated at the outdoor café or inside the restaurant shall be able to purchase food from the Applicant until 1 (one) hour before closing times.
10. The applicant plans to offer take-out food service, but shall not provide alcoholic beverages on a take-out basis. The Applicant will not have delivery service, but may offer delivery through Take-Out Taxi or another delivery service. Applicant will not have delivery trucks.
11. The Applicant plans to have televisions behind the bar, but shall not install or utilize any other equipment for video games or jukeboxes.
12. Applicant shall be prohibited from displaying any advertising banners, neon signs, or outside signage other than signage permitted by the Zoning Regulations, DCRA, or DDOT Public Space, above its establishment. Applicant shall post no signs in public space, outside the restaurant or in any exterior facing windows, doors, or walls advertising liquor sales, happy hours, entertainment, or the like.
13. Applicant shall care for the 35 feet of public spaces that borders the restaurant on Connecticut Avenue, including provision of suitable plantings, if applicable.
14. The Applicant shall provide rat and vermin control for its trash receptacles and property. Applicant shall have the restaurant and the area around the premises properly cleaned at the end of each night to ensure there is no garbage or odors. Applicant shall respect the residential building 16 feet away and limit noise after closing hours when disposing of trash and bottles in the receptacles.
15. Applicant shall comply with District of Columbia Official Code Title 25 and District of Columbia Municipal Regulations Title 23 as they apply to the establishment and to all the laws and regulations of the District of Columbia in the operation of his establishment, including Section 5(d)(3) or the D.C. Noise Control Act as it applies to businesses next to residential neighborhoods.
16. An ABC licensed manager, conversant with all aspects of this agreement, shall be on site at Applicant's premises during all hours of operation.
17. Any change from this model shall be considered by both Parties to be a substantial change in operation of concern to residents and requires prior approval by the ABC Board.
18. Applicant agrees to maintain open communication with the ANC and the community for which the ANC acts. In the event that any of the parties is in breach of this Agreement, it shall be entitled to reasonable notice and opportunity to cure, as a condition precedent to seeking enforcement of the Agreement. Unless the breach is of an emergency nature or is a repetition of a prior breach, reasonable notice and opportunity shall provide for a cure within 30 days of the date of such notice. If the licensee fails to cure within the 30-day period (or, with respect to a breach which reasonably requires more than 30-days to cure, fails to commence cure of such breach and diligently pursues such cure) failure shall constitute a cause for seeking a Show Cause Order from the ABC Board pursuant to D.C. Official Code § 25-447. Unless otherwise noted above, any notices required to be made under this Agreement shall be in writing and mailed via certified mail, return receipt requested, or hand-delivered, to the other parties to this Agreement at the following addresses. Notice shall be deemed given as of the time of receipt or refusal of receipt. Failure to give notice shall not constitute waiver or acquiescence to the violation, but notice shall be a prerequisite to the filing of a complaint with the ABC Board or any other enforcement agency.

If to Applicant: 876 Café LLC t/a 876 Cafe
4221-B Connecticut Avenue, N.W.
Washington, D.C. 20008

If to ANC: Advisory Neighborhood Commission 3F
4401-A Connecticut Avenue, N.W., PMB 244
Washington, D.C. 20008-2322

19. In consideration of, and in reliance upon, the commitments reflected in paragraphs 1 through 17 above, the ANC will advise the ABC Board that it does not oppose Applicant's pending application for a Retailer's Class "CR" license.
20. The parties further agree that any failure of Applicant to adhere to the foregoing commitments will constitute grounds for the ANC to petition the ABC 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 year and day first above written.

APPLICANT, 876 Café LLC T/A 876 Cafe

By: 
(Signature)

Name: Moreen Wallace

Title: operations manager

ADVISORY NEIGHBORHOOD
COMMISSION 3F

By: 
Roman Jankowski, Chair