

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

In the Matter of:)

Acqua 2 Limited Partnership I)
t/a Acqua Al 2)

Application for Substantial Change)
(Include a Second Floor and)
Extension of Hours))
to Retailer's Class CR License)

License No. ABRA-080056
Order No. 2012-300

at premises)
212 7th Street, S.E.)
Washington, D.C. 20003)

Acqua 2 Limited Partnership I, t/a Acqua Al 2 (Applicant)

Andrew Jared Critchfield, Chairperson, on behalf of Advisory Neighborhood
Commission (ANC) 6B

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 Acqua 2 Limited Partnership I, t/a Acqua Al 2 (Applicant), and ANC 6B have entered into a Voluntary Agreement (Agreement), dated March 13, 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 Andrew Jared Critchfield, on behalf of ANC 6B, are signatories to the Agreement.

Accordingly, it is this 27th day of June, 2012, **ORDERED** that:

1. The above-referenced Voluntary Agreements 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 8 (Security Cooperation in Stemming Illegal Drugs and Public Drinking) – The following sentence shall be removed: “This will include providing an appropriate number of security officers, at times when the Establishment is open to the public, who shall be responsible for ensuring that any individuals who are simply loitering are asked to move along.”

The parties have agreed to this modification.

2. Copies of this Order shall be sent to the Applicant and ANC 6B.

Acqua 2 Limited Partnership I
t/a Acqua AI 2
License No. ABRA-080056
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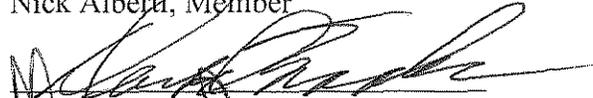
District of Columbia
Alcoholic Beverage Control Board



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.

ANC 6B

Capitol Hill / Southeast

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
REGULATION ADMINISTRATION

2012 MAR 22 P 4: 45

REC'D BY _____

921 Pennsylvania Ave., SE
Suite 305
Washington, DC 20003
202.543.3344
FAX 202.543.3507

March 14, 2012

OFFICERS

Chairperson
Andrew Jared Critchfield

Vice Chairperson
Ivan Frishberg

Secretary
Brian Pate

Treasurer
Carol Green

Parliamentarian
Brian Flahaven

Ruthanne Miller, Chairperson
ABC Board
2000 14th Street NW
Suite 400S
Washington, DC 20009

RE: Acqua AI 2
License # ABRA-80056

COMMISSIONERS

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SMD 2 *Ivan Frishberg*
SMD 3 *Norman Metzger*
SMD 4 *Kirsten Oldenburg*
SMD 5 *Brian Pate*
SMD 6 *Andrew Jared Critchfield*
SMD 7 *Carol Green*
SMD 8 *Neil Glick*
SMD 9 *Brian Flahaven*
SMD 10 *Francis Campbell*

Dear Ms. Miller:

At its regularly scheduled and properly noticed meeting on March 13, 2012, ANC 6B voted 9-0 to support the above referenced application for Acqua AI 2, located at 212 7th Street, SE, to make a substantial change to its liquor license.

Please find attached a Voluntary Agreement executed by both parties for your review and approval.

If you need further information, please do not hesitate to contact me.

Sincerely,


Andrew Jared Critchfield, Ph.D.
Chair

Attachment: Voluntary Agreement

VOLUNTARY AGREEMENT

THIS VOLUNTARY AGREEMENT is dated on the 13th day of March, 2012 by and between Acqua 2 Limited Partnership, dba Acqua Al 2, Applicant, and Advisory Neighborhood Commission 6B.

WITNESSETH

WHEREAS, Applicant has applied for a substantial change to expand the hours and add the second floor to the Class C Restaurant License, # ABRA 80056, for premises at 212 7th Street, SE, Washington, DC, 20003, which is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC, and,

WHEREAS, the Parties desire to enter into an agreement governing certain understandings regarding the issue of a Restaurant Class C License at the subject premises; and,

WHEREAS, the Parties are desirous of entering into a Voluntary Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to promote the peace, order and quiet of the neighborhood. Both parties recognize the importance of business neighborhoods that are safe, clean, and “pedestrian friendly”.

NOW, THEREFORE, the parties agree as follows:

1. ***Recitals Incorporated.*** The recitals set forth above are incorporated herein by reference.
2. ***Nature of the Business.*** The Applicant will manage and operate a CR license at the listed address, serving Northern Italian food. The operation will be limited to the main floor and sidewalk café, with seating for 140 patrons inside and ten tables and 28 chairs on the sidewalk.
3. ***Hours of Operation and Sales.***

The Applicant’s hours of operation for the sidewalk café and the indoor premises shall be as follows:

Sunday – Thursday 10:00 a.m. – 2:00 a.m.
Friday – Saturday 10:00 a.m. – 3:00 a.m.

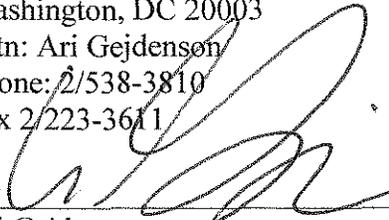
4. **Floors Utilized and Occupancy.** The Applicant will operate its establishment on the first and second floors with a sidewalk café. Seating will not exceed 104 on the first floor, 36 seated patrons on the second floor, and 28 patrons on the sidewalk café. Applicant will ultimately adhere to the COO provided by DCRA, but will not exceed the herein stated seating. No patrons will be allowed in the garden, nor will the area (approximately 312 square feet total, currently used for storage) to the rear of the 2nd floor be open to patrons.
5. **Sidewalk Café.** Applicant will provide a sidewalk café with seating for no more than 28 patrons. The sidewalk café must maintain proper spacing (10 from the curb and 6 feet from the treebox) to allow for adequate pedestrian passage on the sidewalk.
5. **Noise and Privacy.** Applicant will strictly comply with D.C. Official Code § 25-725 and to that end shall make architectural improvements to the property and take all necessary actions to ensure that noise and vibration from the Establishment are not audible outside the establishment at any time. Applicant will not operate the premises as a nightclub, dance venue, or similar venue.
6. **Public Space and Trash.** Applicant shall keep the sidewalk (up to and including the curb), tree box(es), curb, and alley clean and free of litter, bottles, and other debris in compliance with D.C. Code and Municipal Regulations. Applicant shall police these areas sufficiently to assure that refuse and other materials are promptly removed. Applicant shall add additional trash receptacles as needed to prevent overflow and ensure that the area around the dumpster is kept clean at all times and the dumpster is placed such that it does not encroach on the abutting property owners and that no garbage is placed on the abutting property. Commercial trash pick up in residential areas will only take place between 7 a.m.-9 p.m.
7. **Rats and Vermin Control.** The Applicant shall provide rat and vermin control for its property. Applicant shall provide proof of its rat and vermin control contract upon the request of the Board. Applicant shall have the Establishment and the area around the Premises properly cleaned at the end of each night to ensure no garbage and odors are present the following morning.
8. **Security Cooperation in Stemming Illegal Drugs and Public Drinking.** Applicant agrees that it shall take all necessary steps to minimize such problems, including, without limitation, designating a sufficient number of employees to assure adequate security and to control unruly patrons, whether inside or in the immediate outside area; monitoring for and prohibiting sales or use of illegal drugs within or about the Premises, maintaining contact and cooperating with MPD and other enforcement officials when known or suspected drug activities occur.

Applicant shall to the full extent permissible by law discourage loitering in the vicinity of the Premises. This will include providing an appropriate number of security officers, at all times when the Establishment is open to the public, who shall be responsible for ensuring that any individuals who are simply loitering are asked to move along.

Applicant shall install signs at the rear of the property to discourage truck loading and unloading in the North-South Alley.

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.

Applicant: Acqua 2 Limited Partnership
212 7th Street, SE
Washington, DC 20003
Attn: Ari Gejdenson
Phone: 2/538-3810
Fax 2/223-3611

By  (Signature)
Ari Gejdenson
Managing Member
Ari's Diner LLC
General Partner

ANC: Advisory Neighborhood Commission
921 Pennsylvania Ave, SE
Washington, DC 20003
Andrew Jared Critchfield, Chairperson
(202) 543-3344
Fax (202) 543-3507

 (Signature)