

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

In the Matter of:)	
)	
Eastern Market Entertainment, LLC)	
t/a Boxcar)	
)	
Applicant for a New)	License No. ABRA-087549
Retailer's Class CR License)	Order No. 2011-419
)	
at premises)	
224 7 th Street, S.E.)	
Washington, D.C. 20003)	

Eastern Market Entertainment, LLC, t/a Boxcar (Licensee)

Neil Glick, Chairperson, Advisory Neighborhood Commission (ANC) 6B

BEFORE: Nick Alberti, Interim Chairperson
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 Eastern Market Entertainment, LLC, t/a Boxcar, Applicant for a new Retailer's Class CR License, located at 224 7th Street, S.E., Washington, D.C., and ANC 6B have entered into a Voluntary Agreement (Agreement), dated September 13, 2011, 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 Licensee and Chairperson Neil Glick, on behalf of ANC 6B, are signatories to the Agreement.

Eastern Market Entertainment, LLC
t/a Boxcar
License No. ABRA-087549
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Accordingly, it is this 5th day of October 2011, **ORDERED** that:

1. The above-referenced Voluntary Agreement submitted by the Licensee and ANC 6B to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED**; and
2. Copies of this Order shall be sent to the Licensee and ANC 6B.

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District of Columbia
Alcoholic Beverage Control Board



Nick Alberti, Interim Chairperson



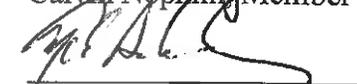
Donald Brooks, Member



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, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.



703 D Street, SE
Washington, DC 20003
202.543.3344
FAX 202.543.3507

September 14, 2011

OFFICERS

Chairperson
Neil Glick
Vice Chairperson
Ivan Frishberg
Secretary
Jared Critchfield
Treasurer
Carol Green
Parliamentarian
Brian Flahaven

Nick Alberti, Interim Chair
Alcoholic Beverage Regulation Administration
C/o Martha Jenkins
2000 14th Street, NW, Suite 400S
Washington, DC 20009

RE: **Boxcar**
License # ABRA-087549
New License

COMMISSIONERS

SMD 1 *David Garrison*
SMD 2 *Ivan Frishberg*
SMD 3 *Norman Metzger*
SMD 4 *Kirsten Oldenburg*
SMD 5 *Brian Pate*
SMD 6 *Jared Critchfield*
SMD 7 *Carol Green*
SMD 8 *Neil Glick*
SMD 9 *Brian Flahaven*
SMD 10 *Francis Campbell*
SMD 11 *Vacant*

Dear Mr. Alberti:

At a regularly called and properly noticed (via postings at Southeast Library, Eastern Market, ANC 6B website, and ANC 6B's constituents emailing list) meeting on September 13, 2011, with a quorum present (6 being a quorum), ANC 6B voted unanimously (9-0) to support the above referenced application of Boxcar, located at 224 7th Street, SE, for a new Retail C Class liquor license.

Please find enclosed the Cooperative (Voluntary) Agreement that has been executed by Boxcar and ANC 6B for your review and approval.

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

Sincerely,


Neil Glick
Chair, ANC 6B

Enclosure: Voluntary Agreement

VOLUNTARY AGREEMENT

THIS VOLUNTARY AGREEMENT is made on this 13th day of September, 2011 by and between Eastern Market, LLC, dba Boxcar, Applicant, and Advisory Neighborhood Commission 6B.

WITNESSETH

WHEREAS, Applicant has applied for a new Class C Restaurant License # ABRA-087549, for premises at 224 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 an American Bistro with recorded music at the listed address. There will be no amplified live music or live entertainment on the premises.
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 9:00 a.m. – 2 a.m.
Friday and Saturday 8:00 a.m. – 3 a.m.

The Applicant's hours of sales and service for the sidewalk café and the indoor premises shall be as follows:

Sunday 10:00 am – 2:00 a.m.
Monday – Thursday 9:00 a.m. – 2:00 a.m.
Friday – Saturday 8:00 a.m. – 3:00 a.m.

4. **Floors Utilized and Occupancy.** The Applicant will operate its establishment on the first floor and sidewalk café. Occupancy will not exceed 99 patrons, with 12 seats on the sidewalk café and 75 seats indoors.
5. **Sidewalk Café.** Applicant will provide a sidewalk café with seating for no more than 12 patrons. Applicant agrees that it shall not seek to expand the capacity of the sidewalk café without amendment of this Agreement. 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.
6. **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. Applicant agrees to place HVAC and other equipment, such as kitchen exhaust fans, as far from the buildings's rear wall as possible, to mitigate noise, and will screen the mechanical equipment from the view of residents whose windows and gardens look out onto the alley, and will line the screen material with additional acoustical material to dampen sound. Applicant agrees there will not be a roof top garden or patron access to the roof for dining or bar purposes. Applicant agrees to ensure employees of the restaurant do not gather or smoke at the rear of the building.
7. **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 agrees to minimize noise from end of the day clean-up. Applicant will enclose the garbage and trash with a roof and locked gate between the building and the alley. Applicant will ensure that the area around the dumpster is kept clean at all times, that grease containers do not leak or overrun into the garbage and trash storage area, and that the dumpster is placed such that it does not encroach on abutting property owners. Commercial trash pick up in residential areas will only take place between 7 a.m.-9 p.m.
8. **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.
9. **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.

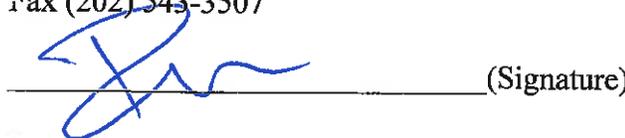
IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.

Applicant: Eastern Market, LLC
dba Boxcar
224 7th Street, SE
Washington, DC 20003
Owner, Xavier Cevera
202-674-3004


(Signature)

ANC:

Advisory Neighborhood Commission
703 D Street, SE
Washington, DC 20003
Neil Glick, Chairperson 
(202) 543-3344
Fax (202) 543-3507


(Signature)