

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

In the Matter of:	)	
	)	
Justin's Cafe, LLC	)	
t/a Justin's Café	)	
	)	
Holder of a	)	License No. ABRA-083690
Retailer's Class CR License	)	Order No. 2011-095
	)	
at premises	)	
1025 1 <sup>st</sup> Street, S.E.	)	
Washington, D.C. 20003	)	
	)	

Justin's Cafe, LLC, t/a Justin's Café ("Applicant")

Ron McBee, Chairperson, Advisory Neighborhood Commission (ANC) 6D

**BEFORE:** Charles Brodsky, Chairperson  
Mital M. Gandhi, Member  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member  
Calvin Nophlin, Member  
Mike Silverstein, Member

**ORDER ON SUPPLEMENT TO VOLUNTARY AGREEMENT**

The Applicant and Advisory Neighborhood Commission 6D entered into a Voluntary Agreement (Agreement), dated January 11, 2010, setting forth the terms and conditions by which the Applicant would operate its establishment. This matter comes now before the Alcoholic Beverage Control Board (Board) to consider the Parties' Supplement to Voluntary Agreement (Supplement), dated June 14, 2010, in accordance with D.C. Official Code § 25-446 (2001).

The official records of the Board reflect that the Parties have agreed to amend the original Agreement; and the Applicant and Chairperson Ron McBee, on behalf of ANC 6D, are signatories to the Supplement. The Supplement has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the Supplement, all

**Justin's Cafe, LL**  
**t/a Justin's Café**  
**License No. ABRA-083690**  
**Page 2**

terms and conditions of the original Agreement not amended by the Supplement shall remain in full force and effect.

Accordingly, it is this 26<sup>th</sup> day of January 2011, **ORDERED** that:

1. The Supplement to Voluntary Agreement by and between Justin's Cafe, LLC, t/a Justin's Café, located at 1025 1<sup>st</sup> Street, S.E., Washington, D.C., and ANC 6D to the existing January 11, 2010 Agreement is **APPROVED**;
2. The above-referenced Supplement is **INCORPORATED** as part of the existing Agreement and this Order; and
3. Copies of this Order shall be sent to the Applicant and Chairperson Ron McBee, Dr. Coralie Farlee, and Commissioner Andy Litsky, on behalf of ANC 6D.

Justin's Cafe, LL  
t/a Justin's Café  
License No. ABRA-083690  
Page 3

District of Columbia  
Alcoholic Beverage Control Board



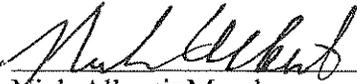
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Charles Brodsky, Chairperson



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Mital M. Gandhi, Member



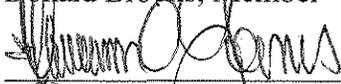
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Nick Alberti, Member



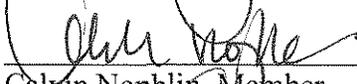
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Donald Brooks, Member



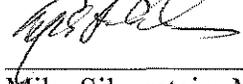
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Herman Jones, Member



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Calvin Nophlin, Member

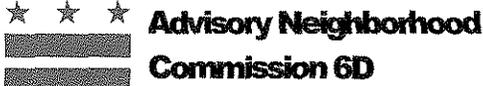


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Mike Silverstein, Member

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, 1250 U Street, N.W., Third Floor, Washington, DC 20009.

ABRA



PO Box 71156 • Washington, DC 20024-9998  
ANC Office: 202 554-1795 ■ FAX: 202 554-1774  
office@anc6d.org

DEPARTMENT OF COLUMBIA  
ALCOHOLIC BEVERAGE  
REGULATION ADMINISTRATION

2010 JUN 18 P 2:32

SUPPLEMENT TO VOLUNTARY AGREEMENT

REC'D BY \_\_\_\_\_

THIS SUPPLEMENT TO THE VOLUNTARY AGREEMENT ("Agreement") dated January 11, 2010, is made on this 14<sup>th</sup> day of June 2010 by and between Justin's Café t/a Justin's Café ("Applicant"), and Advisory Neighborhood Commission 6D ("Protestant"), (collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant has applied to add a sidewalk café to the existing License Class CR for a restaurant business establishment ("Establishment") located at 1025 First Street, S.E., Unit 105, Washington, D.C. ("Premises"); and

WHEREAS, the Parties have agreed to enter into this Agreement and request that the Alcoholic Beverage Control Board ("ABC Board") approve the Applicant's license application for this change conditioned upon the Applicant's compliance with the terms of this written Agreement; 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 minimize the effect on (i) the peace, order and quiet of the neighborhood and (ii) pedestrian safety and vehicular traffic, and to eliminate the need for a Protest Hearing regarding the license application.

NOW, THEREFORE, in consideration of the recitals set forth above and the mutual covenants and conditions set forth below, the Parties agree as follows:

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference as well as in the earlier Voluntary Agreement dated January 11, 2010.
2. **Nature of the Business.** The Applicant will manage and operate an Establishment with an emphasis on food, with separate restaurant and bar areas and a sidewalk café. There will be no live music either indoors or in the sidewalk cafe. Any change from this model shall be considered to be a change in operation and requires prior approval by the ABC Board.

3. **Hours of Operation and Sales.** The Applicant's hours of operation shall be as follows:

Sunday 11:30 a.m. to 10:00 p.m.,  
Monday through Thursday 11:30 a.m. to 1:00 a.m.,  
Friday and Saturday 11:30 a.m. to 2:00 a.m.

**Restaurant hours will be:**

Sunday, 11:30 a.m. to 10:00 p.m.  
Monday through Thursday, 11:30 a.m. to 11:00 a.m.  
Friday and Saturday, 11:30 a.m. to 12 midnight.

The Applicant's hours for **selling and serving alcohol** both indoors and at the sidewalk café shall be as follows:

Sunday 11:30 a.m. to 10:00 p.m.  
Monday through Thursday 11:30 a.m. to 1:00 a.m.  
Friday and Saturday 11:30 a.m. to 2:00 a.m.

4. **Floors Utilized and Occupancy.** The Applicant will operate its establishment consisting of 1400 square feet on the first floor of the building. The restaurant area of the Establishment will have no more than 24 seats; in the bar area, there will be 9 bar stools and additional standing occupancy of 12, with the maximum occupancy of the Establishment not exceeding 61 patrons. The sidewalk café area will be approximately 300 square feet with four tables of four seats each, a total of 16 seats, with additional persons standing which may include smokers who exit from the indoor area for a smoking "break."

5. **Sidewalk Café.** Applicant shall provide smokeless ashtrays on the sidewalk café, shall not have music piped to exterior areas of the building, and shall ensure that no open containers of alcohol are carried beyond the area authorized for the sidewalk café. Applicant has agreed to monitor sounds from voices on the sidewalk café and shall ensure that any reasonable concerns raised by nearby residents are remedied as soon as possible, at a maximum within a ten day period.

6. **Noise and Privacy.** Applicant will strictly comply with D.C. Official Code § 25-725. Applicant shall take all reasonable necessary actions to preclude that music, noise and vibration from the Establishment are audible within the adjacent residential properties. If necessary, and particularly in the winter, Applicant will take reasonable steps to reduce noise emanating from the Establishment from the opening of the entry or exit doors.

7. **Security Cooperation.** In addition to the cameras already installed for the inside of the property, the Applicant shall work with the landlord, Velocity Condominium, to ensure that at least one exterior camera covers the sidewalk café area. The cameras shall record continuously and retain the information for at least 30 days.

**Page 3 of 3, Supplement to 1/11/10 VA Justin's Café and ANC6D, June 2010**

Applicant: Justin's Cafe  
 1025 First Street, S. E.  
 Washington, DC 20003  
 Attn: Justin Ross  
 (301) 538-3540

Protestants: Advisory Neighborhood Commission 6D  
 P.O.Box 71156  
 Washington, DC 20024  
 Attn: Chair  
 (202) 554-1795  
 Fax (202) 554-1774

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 action.

7. **Protest.** Upon execution of this Agreement by the Parties and its acceptance by the ABC Board, Protestants shall not Protest the requested change to the license.

PROTESTANT:	APPLICANT:
ABC Committee, ANC6D	Justin's Café
By: <u>Coralie Farlee</u> 6/14/10 Coralie Farlee, Chair Date	By: <u>[Signature]</u> 6/14/10 Justin Ross Date
ANC6D	
By: <u>Robert Siegel</u> 6/14/10 Robert Siegel, Date Commissioner, ANC6D07	
By: <u>Ron McBee</u> 6/14/10 Ron McBee, Chair Date	