

BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of: )

BBRG Washington Restaurant, Inc. )

t/a Papa Razzi )

Application for a Retailer's )

License Class "CR" - renewal )

at premises )

1064-66 Wisconsin Avenue, N.W. )

Washington, D.C. )

Case No. 30525-94067P

Patrick Allen, Chair, ABC Committee, Citizens Association of Georgetown;  
and Anthony Lanier, Protestants

Dimitri P. Mallios, Esquire, on behalf of Applicant

BEFORE: MARY EVA CANDON, ESQUIRE, Chairperson

JAMES C. JEFFERSON, Member

JAMES L. O'DEA, III, ESQUIRE, Member

BARBARA L. SMITH, ESQUIRE, Member

ORDER ON WITHDRAWN PROTEST

The application, having been protested, came before the Board for public hearing on June 1, 1994, in accordance with D.C. Code Section 25-115 (c)(5)(1993 Supp.), providing for remonstrants to be heard. Patrick Allen, Chair, ABC Committee, Citizens Association of Georgetown (hereinafter "CAG"), and Anthony Lanier, filed timely protests by letters dated May 17, 1994. However, by letter dated February 14, 1995, Mr. Lanier withdrew his opposition.

Further, the official records of the Board reflect that CAG and the applicant have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board.<sup>1/</sup> Pursuant to the Agreement, the Protestant has agreed to withdraw the protest provided, however, that the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

<sup>1/</sup> See Agreement dated May 27, 1994.

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t/a Papa Razzi  
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Accordingly, it is this 26<sup>th</sup> day of April 1995,  
ORDERED that:

1. The protests of Patrick Allen, Chair, ABC Committee, on behalf of CAG, and Anthony Lanier be, and the same hereby, are WITHDRAWN;
2. The above-referenced Agreement between the CAG and the applicant be, and the same hereby, is INCORPORATED as part of this Order;
3. The application of BBRG Washington Restaurant, Inc. t/a Papa Razzi for a retailer's license class CR - renewal at premises 1064-66 Wisconsin Avenue, N.W., be, and the same hereby, is GRANTED; and,
4. Copies of this Order shall be sent to the Protestants and the Attorney for the Applicant.

DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD

  
\_\_\_\_\_  
Mary Eva Candon, Esquire  
Chairman

  
\_\_\_\_\_  
James C. Jefferson,  
Member

  
\_\_\_\_\_  
James L. O'Dea, III, Esquire  
Member

  
\_\_\_\_\_  
Barbara C. Smith, Esquire  
Member

#30525

AGREEMENT

Made this 27th day of May, 1994, by and between BERG Washington Restaurants, Inc. (the Applicant) and the Citizens Association of Georgetown (CAG).

WITNESSETH

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board ("the ABC Board") is Applicant's application for the renewal of a Class C/R license for premises 1064-66 Wisconsin Avenue, N.W., ABC Application #30525; and

WHEREAS, premises 1064-66 Wisconsin Avenue, N.W. is within the jurisdictional boundaries of CAG; and

WHEREAS, the parties desire to enter into an agreement commemorating certain understandings regarding Applicant's operating plans;

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

1. Applicant shall operate a bona fide restaurant on its premises.

2. Applicant shall have 199 seats, of which 20 will be at the bar. In the event the Applicant is able to purchase a C/R liquor license of 60 seats or more presently issued to a restaurant in Georgetown, which license it will surrender to the ABC Board for cancellation, then Applicant will be allowed to have additional seats pursuant to the following formula:

(a) Applicant will automatically be allowed 41 additional seats, for a total of 240 seats.

(b) Applicant will also be allowed to have one additional seat for each 5 seats in excess of 60 seats which the previous licensee held; i.e., in the event the previous licensee had 80 seats, then Applicant herein could have an additional 4 seats. However, in no event shall the Applicant be allowed more than ten additional seats, for a total of 250 seats.

3. In the event Applicant sells its business to a non-affiliated purchaser, the Applicant agrees to transfer only 199 seats.

4. The hours of operation are as follows: The restaurant will open each day at 11 A.M, and close at 1 A.M. Sunday through Thursday and 2 A.M. Friday and Saturday.

5. Applicant shall provide 1-1/2 hours free parking for its patrons.

6. Applicant shall present no form of live entertainment and no form of recorded music other than background music for dining.

7. Applicant shall permit no form of dancing.

8. Applicant shall not install or utilize: any equipment for the showing of videos; juke boxes; or video games.

9. Applicant shall comply with all aspects of the Civil Infractions Act and the Litter Control Administration Act. Any alleged violations left uncorrected may be referred by the CAG to the appropriate agency.

10. Any and all contemplated changes to Applicant's operation, as set forth herein or otherwise, will be brought to the attention of the CAG prior to implementation and will be implemented only after CAG and, when required by rules and regulations, ABC Board approval.

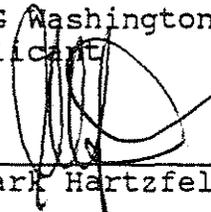
11. In consideration of, and in reliance upon, the commitments reflected in paragraphs 1 through 10 above, the CAG will recommend to the ABC Board non-objection to Applicant's pending license/<sup>renewal</sup> application.

12. The parties further agree that any failure of Applicant to adhere to the foregoing commitments would constitute grounds for the CAG to petition the ABC Board for issuance of an order to show cause pursuant to 23 DCMR 1513.5.

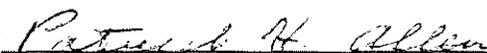
13. In the event the ABC Board does not approve of all of the aforesaid terms, then this Agreement shall be void and the parties shall renegotiate in good faith in an attempt to reach an agreement acceptable to the Board.

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

BBRG Washington Restaurants, Inc.,  
Applicant

By   
Mark Hartzfeld, President

Citizens Association of Georgetown

By   
Patrick H. Allen  
Chairman, ABC Committee