

A File

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

In the Matter of:)
)
The Studio Theatre, Inc.)
t/a The Studio Theatre)
)
Application for a Retailer's Class DX)
License – substantial change)
at premises)
1333 P Street, N.W.)
Washington, D.C.)
)

Case no.: 25750-05/044P
Order no.: 2005-166

The Studio Theatre, Inc., Applicant

Charles D. Reed, Chairperson, on behalf of Advisory Neighborhood Commission 2F,
Protestant

BEFORE: Charles A. Burger, Chairperson
Vera M. Abbott, Member
Judy A. Moy, Member
Audrey E. Thompson, Member
Peter B. Feather, Member
Albert G. Lauber, Member
Eartha Isaac, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST

The substantial change application to expand the licensed premises to include the adjacent building and to change the primary entrance from 1333 P Street, N.W., to 1501 14th Street, N.W., having been protested, came before the Board on June 29, 2005, in accordance with D.C. Official Code § 25-601 (2001). Charles D. Reed, Chairperson, on behalf of Advisory Neighborhood Commission 2F, filed timely opposition by letter dated May 27, 2005.

The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the agreement, dated June 1, 2005, the Protestant has agreed to withdraw its protest, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

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t/a The Studio Theatre
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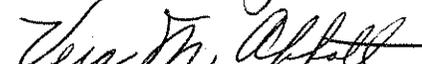
Accordingly, it is this 6th day of July 2005, **ORDERED** that:

1. The protest of Charles D. Reed, Chairperson, on behalf of Advisory Neighborhood Commission 2F, is **WITHDRAWN**;
2. The substantial change application of The Studio Theatre, Inc., t/a The Studio Theatre, Retailer's Class "DX" License, to expand the licensed premises to include the adjacent building and to change the primary entrance from 1333 P Street, N.W., to 1501 14th Street, N.W., at 133 P Street, N.W., Washington, D.C. is **GRANTED**;
3. The above-referenced agreement, is **INCORPORATED** as part of this Order;
and
4. Copies of this Order shall be sent to the Protestant and the Applicant.

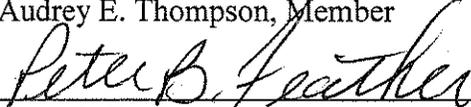
The Studio Theatre, Inc.
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District of Columbia
Alcoholic Beverage Control Board

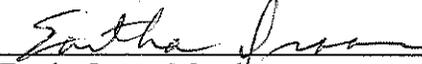

Charles A. Burger, Chairperson


Vera M. Abbott, Member


Judy A. Moy, Member

Audrey E. Thompson, Member

Peter B. Feather, Member

- not voting -
Albert G. Lauber, Member


Eartha Isaac, 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, 941 North Capitol Street, N.E., Suite 7200, Washington, D.C. 20002.

VOLUNTARY AGREEMENT
(Studio Theatre)

THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
CONTROL BOARD

JUN 21 P 4:14

This VOLUNTARY AGREEMENT is made on this 1st day of June, 2005, by and Zfc
between Studio Theatre and ANCF2F ("ANC") and the Rhode Island Avenue West
Neighborhood Association ("RIW") (collectively, ANC and RIW are referred to as the
"Community").

WITNESSETH

WHEREAS, Applicant has applied for a Class DX license for the premises located
at 1501 14th Street NW, Washington, DC; and

WHEREAS, the parties have agreed to enter into this Voluntary Agreement with
the Community to request that the Alcoholic Beverage Control Board approve the
Applicant's license application conditioned upon the Applicant's compliance with the
terms of this written Agreement.

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. The Applicant will manage and operate a live professional theatre. Any change from
this model shall be considered by all parties to be a substantial change in operation of
great concern to residents within the area served by the Community and requires prior
approval by the ABC Board.
2. The Applicant's hours of operation for beer and wine sales shall be as follows:
Daily 12 noon - 11 pm. During those hours beer and wine sales will be in
conjunction with theatre productions and donor events.
3. Applicant has entered into and shall retain an agreement with the Washington Plaza
Hotel and Colonial Parking to provide reduced rate parking for its patrons. (If
agreements with these services become unavailable, Applicant shall seek to enter into
similar arrangements with other parking facilities within reasonable walking distance
of the theater). If the agreements are in writing Applicant shall provide a copy
thereof to the ANC and RIW, otherwise, Applicant shall provide a written
memorandum of the terms of such agreements to the ANC and RIW. Applicant shall
advertise the availability of this parking and urge its patrons to use the off-street
options. To this end, Applicant will include announcements to this effect in its
literature and on a sign to be displayed prominently at the entrance to the theater.
Applicant further agrees to utilize valet parking for events, such as fundraisers.
Applicant shall assure that in its arrangements with valet services, all vehicles shall be
parked off-street.

4. This Voluntary Agreement shall be binding upon and enforceable against the successors and assigns of the Applicant.
5. In the event of a violation of the provisions of this Voluntary Agreement, Applicant shall be notified in writing by the party alleging such a violation and given an opportunity to cure such violation within thirty (30) days thereafter before action against Applicant on the basis of such violation may be undertaken. A material violation of this Agreement or its ABC license by Applicant, which has not been corrected after such thirty (30) days' notice, or three notices of violations, shall constitute a cause for seeking a Show Cause Order from the ABC Board by either the ANC or RIW. Any notices required to be made under this Agreement shall be in writing and mailed via certified mail, return receipt requested, postage prepaid, or hand-delivered, to the other parties of this Agreement.

Upon acceptance by the ABC Board of this Voluntary Agreement, the Community shall withdraw any protest against the current application.

For the Studio Theatre:



Morey Epstein
1501 14th Street NW
Washington, DC 20005
Title: *Exec. Dir. of Institutional Development*

For ANC2F:



Charles Reed, Chairman
5 Thomas Circle NW
Washington, DC 20005

For the Rhode Island West Neighborhood Association:



Tim Hillard, President
1317 Rhode Island Avenue NW, #201
Washington, DC 20005



ADVISORY NEIGHBORHOOD COMMISSION 2F
Government of the District of Columbia
5 Thomas Circle, NW, Washington, D.C. 20005
Telephone: (202) 667-0052 Fax: (202) 667-0053 www.anc2f.org

Commissioners

2F01 Charles Reed, *Chairman*
2F02 Jim Brandon
2F03 Christopher Dyer, *Secretary*
2F04 Vacant
2F05 Sandra Biasalo, *Treasurer*
2F06 Michael Nelson

THE DISTRICT OF COLUMBIA
ALCOHOL BEVERAGE
COMMISSION REGISTRATION
JUN 21 P 11:05
ZRC

June 15, 2005

(via Fax and First Class Mail)

Mr. Charles Burger
Chairman, Alcohol Beverage Commission Board
941 North Capitol Street, NE, Suite 7200
Washington, DC 20002

Re: License No. 25750
Studio Theatre, Inc. t/a The Studio Theatre
133 P Street NW, Washington, DC

Dear Chairman Burger and Members of the Board:

On May 27, 2005, ANC2F wrote to you, protesting the above license application, but indicating that the parties expected to enter into a voluntary agreement to resolve the issues of concern to the community. I am pleased to report that this has been accomplished.

At a duly held public meeting on June 1, 2005, with quorum present and acting throughout, ANC2F approved a voluntary agreement with the licensee by unanimous consent and directed that appropriate officers of the ANC seek to implement the agreement.

Accordingly, I enclose the executed copy of the Voluntary Agreement, and request that it be approved by the Board. Upon acceptance of the Voluntary Agreement by the Board, our Commission ANC2F withdraws its pending protest, and advises the Board that the application be granted.

Sincerely,

Charles D. Reed
Chairman, ANC 2F

Cc:
Studio Theatre (Morey Epstein)
Rhode Island West Community Association (Tim Hillard)

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

_____)
In the Matter of:)

The Studio Theatre, Inc.)
t/a The Studio Theatre)

Application for a Retailer's License)

Class DX - new)

at premises)

1333 P Street, N.W.)

Washington, D.C.)
_____)

Case No. 35623-98029P

**James Franciscus, Board Member, Lofts at Logan Circle Condominium Association,
Protestant**

Marlene L. Johnson, Esquire, on behalf of Applicant

**BEFORE: BARBARA L. SMITH, ESQUIRE, CHAIR 1/
DENNIS BASS, MEMBER;
ALLEN BEACH, MEMBER;
MARY EVA CANDON, ESQUIRE, MEMBER;
LAVERNE KING, MEMBER;
EYDIE WHITTINGTON, MEMBER;
DUANE WANG, MEMBER**

ORDER ON RECONSIDERATION OF DISMISSED PROTEST

This matter, having been protested, came before the Board for public hearing on April 19, 1998 in accordance with D.C. Code Section 25-115 (c)(5) providing for remonstrants to be heard. At that time, the Board determined that inadequate notice was sent to the parties of record, and the roll call hearing was continued until May 20, 1998. On the continued date, Mr. James Franciscus, Protestant, was not present when the Board conducted the roll call hearing.

1/ Barbara Smith is no longer a member of the Board.

The Studio Theatre, Inc.
t/a The Studio Theatre
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On June 3, 1998, by Order of the Board, the opposition of James Franciscus was dismissed for failure to appear at the roll call hearing on May 20, 1998. On July 6, 1998, a copy of the Board's order was mailed certified to the Protestant and on July 14, 1998, the Protestant filed a request for reconsideration. On July 15, 1998, the Board reviewed the request and there being no opposition, the Board reinstated the opposition.

Accordingly, it is this 19th day of August 1998, that the opposition of James Franciscus, be, and the same hereby, is **REINSTATED**. **FURTHER**, copies of this Order shall be sent to the Protestant and the Attorney for the Applicant.

**DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL
BOARD**

Barbara L. Smith, Esquire, Chair

Dennis Bass

Dennis Bass, Member

Allen Beach

Allen Beach, Member

Mary Eya Candon

Mary Eya Candon, Esquire, Member

Laverne King

Laverne King, Member

Duane Wang

Duane Wang, Member

Eydie Whittington

Eydie Whittington

App No. 35623

AGREEMENT

THIS AGREEMENT is made this 12th day of April 1998 by and between the Studio Theatre (the "Applicant"), the Rhode Island Avenue West Association, and the Advisory Neighborhood Commission ("ANC").

RECITALS

1. The Studio Theatre is located at 1333 P Street N.W., Washington, D.C. and has applied for a license from the Alcoholic Beverages Control Board ("ABC") to serve beer and wine at its Theatre. The pending application is #35623.
2. The Rhode Island Avenue West Association is a neighborhood association representing owners of residential properties on the 1300 block of P Street N.W., and the 1300 and 1400 blocks of Rhode Island Avenue N.W.
3. The ANC is an elected citizen's advisory body for the section of Ward 2 in which the Studio Theatre is located.

After discussions between and among the parties and in consideration of the promises, agreement has been reached as follows:

The Applicant will operate pursuant to the terms of its current application (dated February 19, 1998) with the following amendment and restriction: beer and wine sales will be limited to 60 minutes before performances begin and during intermissions only with no sales of beer and wine permitted after the performances. Further Applicant agrees to revise its "Subscriber Information" and "Newsletters" so that patrons are urged to refrain from parking on streets surrounding the Theatre which are zoned for "Residential Parking". Applicant further agrees to implement an incentive program in order to encourage patrons to use a pay parking lot. Notice of such revisions will be mailed during the Theatre's next scheduled mailing. Applicant further agrees to maintain a security guard at the Danas pay lot as long as that lot is available for Theatre parking, and in the event the lot should become unavailable Applicant agrees to seek similar arrangements elsewhere.

In recognition of the above agreement The Rhode Island Avenue West Association and the ANC agree not to protest this license application.

For the Studio Theatre:


Morey Epstein

For Rhode Island Avenue West Association:


Tim Hillard, President

For the ANC:


Helen Kramer, Chair



**ANC 2F LOGAN CIRCLE ADVISORY
NEIGHBORHOOD COMMISSION
GOVERNMENT OF THE DISTRICT OF COLUMBIA**
1400 Q Street, NW 2nd Floor, Washington, DC 20009
Telephone: (202) 232-4412 Fax: (202) 232-4413

Commissioners:

2F01 Christine Young
Vice Chair
2F02 Jim Brandon
2F03 Jeffrey M. Travers
Treasurer
2F04 Helen M. Kramer
Chair
2F05 Leslie Miles
Secretary
2F06 Rodney Foxworth

April 13, 1998

Barbara Smith
Chairperson
D.C. Alcoholic Beverage Control Board
614 H Street, Room 807
Washington, D.C. 20001

Re: Application No. 35623, Retailer's Class DX
The Studio Theatre, 1333 P Street NW

Dear Ms. Smith:

At its regularly scheduled and publicly advertised meeting on April 1, 1998, ANC 2F voted unanimously to support the Studio Theatre's liquor license application provided a satisfactory voluntary agreement was reached with the Rhode Island Avenue West Group which addressed their concerns about parking and hours of operation and provided the theater made arrangements to ensure adequate and timely trash removal.

The parties reached a voluntary agreement (copy enclosed). ANC 2F therefore supports the Studio Theatre's application, contingent upon this agreement being incorporated into the liquor license.

The ANC continues to have concerns about the adequacy of Studio's trash pick-up arrangements but trusts that the theater will act promptly to respond to any complaints and to solve any problems that may arise.

Very truly yours,

Helen M. Kramer
Chairperson

cc: Christine Young
Commissioner, 2F01

Encl.