

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

**In the Matter of:** )  
 )  
Via Umbria, LLC )  
t/a Via Umbria )  
 )  
Applicant for a New )  
Retailer's Class B License )  
and for a Transfer from Safekeeping )  
to a New Owner of a )  
Retailer's CR License )  
 )  
at premises )  
1525 Wisconsin Avenue, N.W. )  
Washington, D.C. 20007 )  
 )

License Nos. ABRA-100436  
ABRA-100387  
Order No. 2015-555

Via Umbria, LLC, t/a Via Umbria (Applicant)

Ron Lewis, Chairperson, Advisory Neighborhood Commission (ANC) 2E

Robert P. vom Eigen, President, Citizens Association of Georgetown (CAG)

**BEFORE:** Donovan Anderson, Chairperson  
Nick Alberti, Member  
Mike Silverstein, Member  
Ruthanne Miller, Member  
James Short, Member

**ORDER ON SETTLEMENT AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Via Umbria, LLC, t/a Via Umbria, Applicant for a new Retailer's Class B License and for a Transfer from Safekeeping to a New Owner of a Retailer's Class CR License, located at 1525 Wisconsin Avenue, N.W., Washington, D.C., ANC 2E, and CAG have entered into a Settlement Agreement (Agreement), dated November 7, 2015, 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; Chairperson Ron Lewis, on behalf of ANC 2E; and Robert P. vom Eigen, President, on behalf of CAG; are signatories to the Agreement.

Accordingly, it is this 25th day of November, 2015, **ORDERED** that:

1. The above-referenced Settlement Agreement 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:

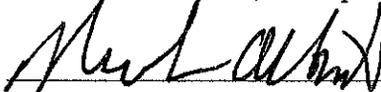
Section 2 – The last sentence shall be removed.

The parties have agreed to this modification.

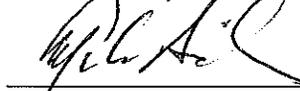
2. Copies of this Order shall be sent to the Applicant, ANC 2E, and CAG.

District of Columbia  
Alcoholic Beverage Control Board

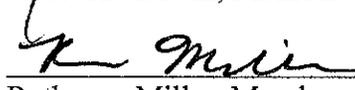
\_\_\_\_\_  
Donovan Anderson, Chairperson



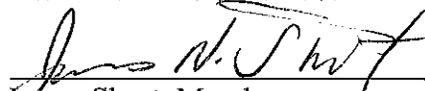
\_\_\_\_\_  
Nick Alberti, Member



\_\_\_\_\_  
Mike Silverstein, Member



\_\_\_\_\_  
Ruthanne Miller, Member



\_\_\_\_\_  
James Short, Member

Pursuant to D.C. Official Code § 25-433(d)(1), 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 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).

**SETTLEMENT AGREEMENT**

Made this 7<sup>th</sup> day of November, 2015, by and between VIA UMBRIA LLC (Applicant), ADVISORY NEIGHBORHOOD COMMISSION 2E ("the ANC") and the CITIZENS ASSOCIATION OF GEORGETOWN (CAG).

**WITNESSETH**

**WHEREAS**, Applicant has filed application for a Retailer's Class B Alcoholic Beverage Control (ABC) license and a Retailer's Class CR Alcoholic Beverage Control license for operation of a Full Service Grocery Store, D.C. 25-332(c), at premises 1525 Wisconsin Avenue, N.W. (the "Building"); and,

**WHEREAS**, in lieu of protest of said applications by the ANC or CAG, the parties desire to enter into this Agreement, whereby certain commitments on the part of the Applicant are memorialized;

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

1. The premises to be operated under the subject license shall consist of the entire first floor and the enclosed rear second floor of the Building ("the licensed Premises"). The open area on the second floor and the enclosed portions of the second and third floor of the Building facing Wisconsin Avenue, N.W. shall not be part of the licensed Premises and no activities in the latter areas shall be conducted under the subject licenses.

2. The pending applications do not seek authority to utilize the rear yard at the street level of the Building for the consumption of food and beverages. In the event that Applicant later determines that it will apply to the ABC Board for authority to operate a summer garden in that rear yard for the consumption of food and beverages, Applicant will give the ANC and CAG 45 days prior notice of its intention to so apply.
3. Table seating on the first and second floor of the Premises, and occupancy of those areas for purposes of seated consumption of food and beverages, shall not exceed 46 (26 on the first floor and 20 on the second floor). Applicant agrees that it will not install a sit down bar serviced by a bartender nor will an area be set aside exclusively for the consumption of alcoholic beverages while standing in the licensed Premises; provided, however, that patrons of the grocery store component of Applicant's business will be able to purchase and consume alcoholic beverages while shopping on the Premises.
4. Hours of operation of the Applicant's business shall terminate not later than 11:30pm daily. It is understood that at said hour no patron shall remain on the Premises.
5. Applicant's alcoholic beverage sales for off-premises consumption under its Retailer's Class B license shall be limited to wine and beer only - no spirits will be sold at the licensed Premises for off-premises consumption. No "single beers" shall be sold in contravention of the Ward 2 ban provided at DC Code 25-345.

6. There will be no live entertainment or dancing on the licensed Premises.  
No recorded music shall be audible beyond the boundaries of the Premises.
7. The exterior doors and windows facing the rear yard of the Building shall be kept closed, except as may be required for normal egress for employees and customers to access retail items on display or in the event of an emergency.
8. Trash is to be stored in rodent-proof containers until collected by Applicant's hauler. No trash or bottles are to be deposited outdoors during the hours of 11pm and 7am, and no trash collection shall occur prior to 7am. Applicant's trash containers shall not be positioned or stored in the rear yard at the street level of the Building.
9. Applicant shall maintain direct control of the licensed Premises at all times. Applicant shall not rent out, or otherwise cede control of the licensed Premises to any third party (including, but not limited to "promoters") at any time.
10. The ANC and CAG are relying on the foregoing commitments by the Applicant in determining to not protest the pending Class B and Class CR license applications. The parties will submit this Agreement to the District of Columbia Alcoholic Beverage Control Board with their joint request that the terms hereof be incorporated in the Board's order approving the license application. In the event that the ABC Board fails to approve all the terms of this Agreement, this instrument shall be deemed to constitute

the protests of the ANC and CAG to the pending application on the grounds of peace, order and quiet

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

VIA UMBRIA LLC

By: William Howard  
Managing Member

ADVISORY NEIGHBORHOOD COMMISSION 2E

By: Roy Lewis  
Chairman

CITIZENS ASSOCIATION OF GEORGETOWN

By: Robert L. Brown  
President

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

In the Matter of:	)	
	)	
Via Umbria, LLC	)	
t/a Via Umbria	)	
	)	
Applicant for a New	)	License No. ABRA-097178
Retailer's Class A License	)	Order No. 2015-010
	)	
at premises	)	
1525 Wisconsin Avenue, N.W.	)	
Washington, D.C. 20007	)	

Mi Via Umbria, LLC, t/a Via Umbria (Applicant)

Ron Lewis, Chairperson, Advisory Neighborhood Commission (ANC) 2E

Paula H. Moore, President, Citizens Association of Georgetown (CAG)

**BEFORE:** Ruthanne Miller, Chairperson  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member  
Mike Silverstein, Member  
Hector Rodriguez, Member  
James Short, Member

**ORDER ON SETTLEMENT AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Mi Via Umbria, LLC, t/a Via Umbria, Applicant for a new Retailer's Class A License, located at 1525 Wisconsin Avenue, N.W., Washington, D.C., ANC 2E, and CAG have entered into a Settlement Agreement (Agreement), dated January 5, 2015, 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; Chairperson Ron Lewis, on behalf of ANC 2E; and Paula H. Moore, on behalf of CAG; are signatories to the Agreement.

Accordingly, it is this 14<sup>th</sup> day of January, 2015, **ORDERED** that:

1. The above-referenced Settlement Agreement 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 5 – The following language shall be removed: “In the event that the ABC Board fails to approve all the terms of this Agreement, this instrument shall be deemed to constitute the protests of the ANC and CAG to the pending application on the grounds of peace, order and quiet.”

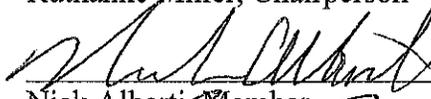
The Parties have agreed to this modification.

2. Copies of this Order shall be sent to the Applicant, ANC 2E, and CAG.

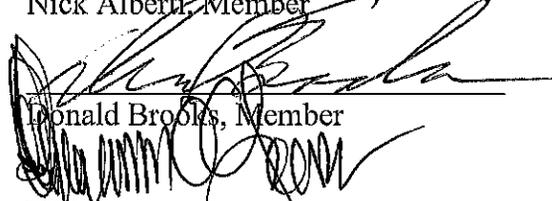
District of Columbia  
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member



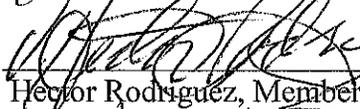
Donald Brooks, Member



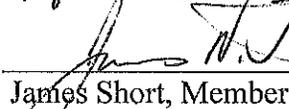
Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, Member

Pursuant to D.C. Official Code § 25-433, 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 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).

SETTLEMENT AGREEMENT

Made this 5th day of January, 2015, by and between VIA UMBRIA LLC (Applicant), ADVISORY NEIGHBORHOOD COMMISSION 2E ("the ANC") and the CITIZENS ASSOCIATION OF GEORGETOWN (CAG).

WITNESSETH

WHEREAS, Applicant has filed an application to transfer a Retailer's Class A Alcoholic Beverage Control license to the first floor of 1525 Wisconsin Avenue, N.W. (the Building); and,

WHEREAS, in lieu of protest of said transfer application by the ANC or CAG, the parties desire to enter into this Agreement, whereby certain commitments on the part of the Applicant are memorialized;

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

1. Hours of operation for the Applicant's business shall be 9:00 a.m. to 9:00 p.m. daily.
2. Operations under the subject license shall be limited to the interior first floor of the Building. No activities on the second floor of the Building or on its rear patio shall be authorized under the subject license.
3. Applicant's alcoholic beverage offerings shall be limited to wine and beer only - no spirits will be sold at the Premises. No "single beers" shall be sold.
4. With the exception of product tastings, as authorized by 23 DCMR 711, no on-premise consumption of alcoholic beverages shall occur on the first floor of the Building.

5. The ANC and CAG are relying on the foregoing commitments by the Applicant in determining to not protest the pending Class A license transfer application. The parties will submit this Agreement to the District of Columbia Alcoholic Beverage Control Board with their joint request that the terms hereof be incorporated in the Board's order approving the license application. In the event that the ABC Board fails to approve all the terms of this Agreement, this instrument shall be deemed to constitute the protests of the ANC and CAG to the pending application on the grounds of peace, order and quiet.

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

VIA UMBRIA LLC

By: William L. Menard 12/23/14  
 Managing Member  
 WILLIAM L. MENARD

ADVISORY NEIGHBORHOOD COMMISSION 2E

By: Ron Lewis  
 Chairman

CITIZENS ASSOCIATION OF GEORGETOWN

By: Samuel H. Moore 12-26-2014  
 President