

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

<hr/>	)		
	)		
Third Place, Inc.	)		
t/a Open City	)		
	)		
Application for a Retailer's	)	License no.:	72380
Class A License – substantial change	)	Application no.:	60965
at premises	)	Order no.:	2006-127
2331 Calvert Street, N.W.	)		
Washington, D.C.	)		
<hr/>	)		

Advisory Neighborhood Commission 3C and Constantine Stavropoulos, on behalf of Third Place, Inc., Signatories

**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**

The official records of the Alcoholic Beverage Control Board (“Board”) reflect that Advisory Neighborhood Commission 3C and Constantine Stavropoulos, on behalf of Third Place, Inc., (“Signatories”), have reached a voluntary agreement, dated May 1, 2006, which has been reduced to writing and has been properly executed and filed with the Board. Having determined that the May 1, 2006 agreement complies with all applicable laws and regulations, the Board does hereby, this 31<sup>st</sup> day of May, **APPROVE** the agreement and **INCORPORATE** the text of the same into this Order. Copies of this Order shall be sent to the Signatories to the agreement.

Third Place, Inc.  
t/a Open City  
License No. 72380  
Application No. 60965  
Page two

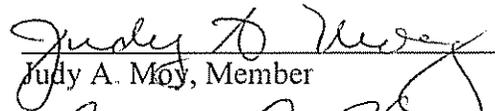
District of Columbia  
Alcoholic Beverage Control Board



Charles A. Burger, Chairperson



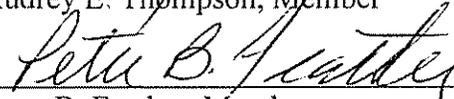
Vera M. Abbott, Member



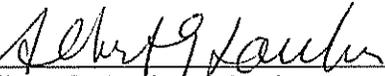
Judy A. Moy, Member



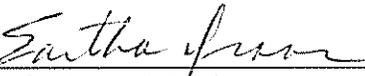
Audrey E. Thompson, Member



Peter B. Feather, Member



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.

	<p align="center"><b>ADVISORY NEIGHBORHOOD COMMISSION</b>  <b>GOVERNMENT OF THE DISTRICT OF COLUMBIA</b>          CATHEDRAL HEIGHTS • CLEVELAND PARK • MASSACHUSETTS PARK          MCLEAN GARDENS • WOODLEY PARK</p>
<p>Single Member District Commissioners          01-Dia Black; 02-Deborah Jane Lindeman; 03-Stephanie Zobay          04-Avram Fechter; 05-Bruce Beckner; 06-Trudy Reeves          07-Shellia Hogan; 08-Catherine May; 09-Nancy MacWood</p>	<p align="right">2737 DEVONSHIRE          WASHINGTON, DC 20002          TEL 202/232-2232 • FAX 202/232-2232          Email <a href="mailto:anc3cmj@groups.yahoo.com">anc3cmj@groups.yahoo.com</a>          Listserv <a href="http://groups.yahoo.com/group/anc3cmj">http://groups.yahoo.com/group/anc3cmj</a>          Website <a href="http://www.anc3cmj.org">http://www.anc3cmj.org</a></p>

**RESOLUTION 2006-023**

**Endorsing a Voluntary Agreement for an Unenclosed Sidewalk Café at 2331 Calvert Street, N.W., Open City Restaurant**

Whereas Advisory Neighborhood Commission 3C has negotiated a voluntary agreement with Constantine Stavropoulos, proprietor of Open City restaurant, 2331 Calvert St., N.W., concerning the sale and service of alcoholic beverages at a sidewalk café on the Calvert St. side of the establishment; and

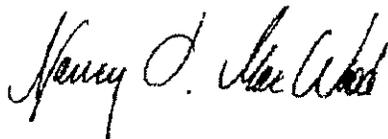
Whereas ANC 3C will ask the Alcoholic Beverage Control Board to include this agreement as a condition of the license in order to maintain the peace, order and quiet in and around the Open City restaurant sidewalk café, as well as protect pedestrian safety:

BE IT RESOLVED that ANC 3C approves the voluntary agreement, attached herewith, and directs the Chair to sign it on behalf of the Commission, and

BE IT FURTHER RESOLVED that ANC 3C requests that the Alcoholic Beverage Control Board approve the voluntary agreement and attach it as a condition of the CR License # 72380, and

BE IT FURTHER RESOLVED that the ANC 3C02 Commissioner and the Chair, or her designee, is authorized to represent the Commission on this matter.

Attested by



Nancy J. MacWood

Chair, on May 3, 2006

*This resolution was approved by a vote of 5-0 at a Special Meeting of ANC 3C on May 1, 2006 which was duly noticed and at which a quorum of 5 of 9 members was present.*

**VOLUNTARY AGREEMENT  
CONCERNING THE SALE AND SERVICE OF ALCOHOLIC BEVERAGES  
FOR  
UNENCLOSED SIDEWALK CAFE**

**THIS AGREEMENT** is made and entered into this <sup>1<sup>st</sup></sup> day of ~~April~~<sup>May</sup>, 2006, by and between Third Place Inc., trading as Open City (hereinafter the "Applicant") and ANC3C (hereinafter referred to as the "Protestant"):

**Whereas**, Applicant has a Sidewalk Café Endorsement to their class "CR" License (#72380) located on the Calvert Street side of the premises known as Open City, located at 2331 Calvert Street, NW Washington, DC.; and

**Whereas**, the District of Columbia Alcoholic Beverage Control Board (hereinafter the "Board") approved the license application in February 2004 as an unbuilt establishment under Section 405.1; and

**Whereas**, since that time the Protestant has considered several regulatory applications for this establishment, including an application to the Public Space Office for approval to create the above mentioned sidewalk café on the Calvert St. side of the establishment; and

**Whereas**, the Protestant seeks to assure the Applicant's cooperation in maintaining the peace, order and quiet in and around the Applicant's business premises, as well as protect pedestrian safety:

**Now therefore**, the parties agree as follows:

1. **Hours of Operation:** The Applicant shall limit the hours of operation of the sidewalk café to no more than 7:00 a.m. to 11:00 p.m. Mon.-Thurs., 7:00 a.m. to 12:00 a.m. Fri.-Sat., and 8:00 a.m. to 11:00 p.m. Sun.
2. **Hours of Alcohol Consumption:** The Applicant shall limit the hours of alcohol consumption to no more than 9:00 a.m. to 11:00 p.m. Mon.-Thurs., 9:00 a.m. to 12:00 a.m. Fri.-Sat., and 10:00 a.m. to 11:00 p.m. Sun.
3. **Seating:** The number of seats shall not exceed forty (40) and the number of tables shall not exceed ten (10).
4. **Noise:** The Applicant agrees to comply with all D.C. laws and regulations concerning the control of noise. The Applicant further agrees that there will be no live or recorded music, including music originating in the restaurant that could be heard in the nearby residences coming from open windows between the restaurant and the sidewalk.

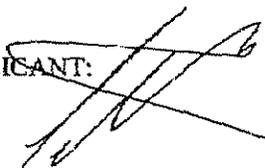
5. **Trash/Garbage/Rodents:** Applicant shall maintain regular trash/garbage removal service and will contract for pest control services, as needed.

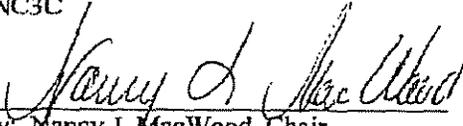
6. **Maintenance of Public Space:** Applicant shall keep the sidewalk and the rear alley behind the establishment clean and neat at all times, and the curbs free of all trash. Applicant shall also keep the sidewalk café area free from trash receptacles and clean and neat at all times.

7. **Public Nuisances:** Applicant shall only use full table service and shall serve only patrons sitting at tables. Applicant shall also maintain an open public sidewalk, aisles, and passageways and not allow patrons waiting for tables or otherwise to block them. Applicant shall also not allow the use of "To Go" cups for alcoholic beverages.

8. **Conditions of Liquor License:** The Applicant shall adhere to the conditions of the license for the Establishment herein contained, and it is understood that the provisions of this Voluntary Agreement shall become a part of the condition of the license. Failure of the Applicant to correct any violations of the conditions of the license within thirty (30) days, or repeated violation, shall be grounds to request the Board to bring a Show Cause action against the Applicant.

9. **Modification:** This agreement can be modified only by the mutual agreement of all parties with the approval of the Board.

APPLICANT:   
By: Constantine Stavropoulos, Proprietor  
Date: 5/1/06

ANC3C  
  
By: Nancy J. MacWood, Chair  
Date: 1 may 06

	<b>ADVISORY NEIGHBORHOOD COMMISSION 3C</b> <b>GOVERNMENT OF THE DISTRICT OF COLUMBIA</b> CATHEDRAL HEIGHTS • CLEVELAND PARK • MASSACHUSETTS AVE. HEIGHTS MCLEAN GARDENS • WOODLEY PARK
Single Member District Commissioners 01-Dia Black; 02-Deborah Jane Lindeman; 03-Stephanie Zobay 04-Avram Fechter; 05-Bruce Beckner; 06-Trudy Reeves 07-Sheila Hogan; 08-Catherine May; 09-Nancy MacWood	2737 DEVONSHIRE PLACE, NW WASHINGTON, DC 20007 TEL 202/232-2232 • FAX 202/232-0667 Email <a href="mailto:anc3cmail@gmail.com">anc3cmail@gmail.com</a> Listserv <a href="http://groups.yahoo.com/group/anc3cgroup">http://groups.yahoo.com/group/anc3cgroup</a> Website <a href="http://www.anc3c.org">http://www.anc3c.org</a>

## FAX TRANSMITTAL

TO: Fred Moosally, General Counsel, ABRA

FROM: Nancy MacWood, Chair, ANC 3C, 966-5333

RE: Voluntary Agreement with Open City

DATE: May 3, 2006

Please find attached a resolution approved by ANC 3C on May 1, 2006 at a special meeting that was duly noticed and at which a quorum of 5 of 9 members was present. The signed voluntary agreement is also being faxed.