

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

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In the Matter of:)	
)	
Romain's Table, Inc.)	
t/a Romain's Table/The Diner)	
Renewal Application for a Retailer's)	Case No.: 50051-04/009P
License Class "CR" at premises)	Order No.: 2005-281
2453 18 th Street, N.W.)	License No.: 60149
Washington, D.C.)	
)	
Applicant)	
_____)	

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

ALSO PRESENT: Fred P. Moosally, III, Esquire, General Counsel
Alcoholic Beverage Regulation Administration

Tiwana Z. Clarke, Esquire, Assistant Attorney General
Alcoholic Beverage Regulation Administration

Dimitri Mallios, Esquire, on behalf of the Applicant

David L. Good, Esquire, on behalf of Carlos Lumpuy, Chris Reynolds,
Wilson Reynolds, Robert Keenan, Pierro Pozzodi Borgo, and Donna J.
Groves, Protestants

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

The application, filed by Romain's Table, Inc., ("Applicant"), t/a Romain's Table/The Diner, for a renewal of its Retailer's Class "CR" License at premises 2453 18th Street, N.W., Washington, D.C., initially came before the Alcoholic Beverage Control Board ("Board") for a roll call hearing on September 8, 2004. It was determined that timely protests were filed pursuant to D.C. Official Code § 25-601 (2001) by various District of Columbia residents including Carlos

Lumpuy, Chris Reynolds, Wilson Reynolds, Robert Keenan, Pierro Pozzodi Borgo, and Donna J. Groves (“Protestants”). On September 8, 2004, Mr. Lumpuy was dismissed as a protestant in this matter because he failed to appear at the roll call hearing. On October 8, 2004, a timely request for reinstatement was filed by David L. Good, Esq., on behalf of Mr. Lumpuy.¹ The Board subsequently reinstated the protest of Mr. Lumpuy on January 19, 2005. The filed protest issues, pursuant to D.C. Official Code § 25-602(a) (2001), are whether the establishment adversely affects the peace, order, and quiet of the neighborhood and whether the establishment adversely affects residential parking needs and vehicular and pedestrian safety.

The case came before the Board for public protest hearings on August 3, 2005 and August 10, 2005. At the August 3, 2005 hearing, the Board approved a written motion made by the Protestants, dated July 29, 2005, to consolidate the protest hearings for both this matter and the application of Tryst, Inc., t/a Tryst, for a renewal of its Retailer’s Class “CR” License at premises 2459 18th Street, N.W., Washington, D.C., because the parties and the protest issues in each matter were the same. The Board noted that a separate written decision would be rendered in each matter. During the August 3, 2005 hearing, an oral motion was also made by the Applicant to dismiss the case because only three (3) out of the six (6) Protestants were present for the protest hearing. The Board denied the Applicant’s motion because the Protestants provided written letters of authorization designating Mr. Good as their representative in this matter in accordance with section 1701.2 of Title 23 of the District of Columbia Municipal Regulations (“23 DCMR”) (2004). At the conclusion of the August 10, 2005 protest hearing, the Board took its decision in this matter under advisement. The Board having considered the evidence, the testimony of the witnesses, the arguments of counsel, and the documents comprising the Board’s official file, makes the following:

FINDINGS OF FACT

1. The Applicant’s establishment is located at 2453 18th Street, N.W., between Columbia Road, N.W., and Kalorama Road, N.W. (ABRA Application File No. 60149; Tr. 8/3/05 at 65.) The Applicant’s establishment opened in 1999 and holds a Retailer’s Class “CR02” License. (ABRA Application File No. 60149; Tr. 8/3/05 at 63.) The establishment’s approved hours of operation are Monday through Sunday, twenty-four (24) hours-a-day. (ABRA Application File No. 60149; Tr. 8/3/05 at 63-64.) The Applicant has a voluntary agreement with Advisory Neighborhood Commission 1C, dated March 1, 2000, which places a number of conditions on the Applicant’s license. (ABRA Application File No. 60149.)
2. Constantine Stavropoulos is president of both Romain’s Table, Inc., and Tryst, Inc., t/a Tryst, which holds a Retailer’s Class “CR” License at 2459 18th Street, N.W. (ABRA Application File Nos. 60149 and 25781.) Mr. Stavropoulos is also the chair of the interim board of directors of the Adams Morgan Business Improvement District (“AMBID”). (Tr. 8/3/05 at

¹ The October 8, 2004 request for reinstatement filed by Mr. Good on behalf of Mr. Lumpuy also contained a request to include the Reed Cooke Neighborhood Association (“RCNA”) as a protestant in this matter. On January 19, 2005, the Board denied this request because: 1) the Board did not have on file a timely protest from RCNA, as required by D.C. Official Code § 25-602(a) (2001); and, 2) RCNA was not a corporation in good standing under the laws of the District of Columbia during the protest period, which is required for RCNA to have standing under D.C. Official Code § 25-601(3) (2001).

168.) The establishment employs approximately seventy-five (75) employees, most of whom live in the surrounding area. (Tr. 8/3/05 at 64.) Food sales make up approximately eighty (80) percent of the establishment's total sales. (Tr. 8/3/05 at 64.) Mr. Stavropoulos indicated that there are approximately forty-two (42) businesses located in the same block as the licensed establishment, including seventeen (17) establishments that sell alcohol. (Applicant's Exhibit No. 11; Tr. 8/3/05 at 194-195.) There is a throughway on 18th Street, N.W., midway between Columbia Road, N.W., and Kalorama Street, N.W., that allows individuals to access the alley behind the establishment and there is a loading zone in front of the establishment on 18th Street, N.W., which was placed there to accommodate the deliveries made to the auto parts store that occupied the premises previously. (Tr. 8/3/05 at 66-67.) Mr. Stavropoulos' managers collected two-thousand and sixty-four (2,064) signatures in support of renewing the establishment's Retailer's Class "CR" License and the liquor license of Tryst, Inc., with about three-hundred and fifty-nine (359) individual signatures obtained from Adams Morgan residents. (Applicant's Exhibit No. 1; Tr. 8/3/05 at 196-198.)

3. The establishment has four (4) sealed dumpsters and uses a company called Rick's Refuse for trash pick-up service seven (7) days a week, between the hours of 10:00 a.m. and 1:00 p.m., to prevent trash from overflowing. (Tr. 8/3/05 at 68-70.) There are approximately eight (8) to ten (10) different trash companies that service the entire block upon which the establishment is located. (Tr. 8/3/05 at 70.)
4. With regard to the issue of peace, order, and quiet, Mr. Stavropoulos stated that between 1998 and 2000, he never received any complaints regarding the operation of the Applicant's establishment. (Tr. 8/3/05 at 71.) In 2002, he began meeting with Wilson Reynolds regarding the congestion problems of the alley behind the establishment and subsequently, Mr. Reynolds formed a group called the Alley Cats, which Mr. Stavropoulos participated in as a business owner, to come up with solutions to these problems. (Tr. 8/3/05 at 72-73.) Mr. Stavropoulos suggested the idea of having a single-source trash pick-up to cut down on the congestion of using multiple trash companies in the alley. (Tr. 8/3/05 at 73.)
5. In February of 2002, Mr. Stavropoulos implemented an idea posed by Mr. Reynolds to schedule long lead delivery times for the establishment before 7:00 a.m., when there is less activity in the alley and before people go to work. (Tr. 8/3/05 at 74-76, 171-172.) The Diner and Tryst continue to receive the majority of their deliveries early in the morning. (Tr. 8/3/05 at 176.) Mr. Stavropoulos also began syncing the deliveries of both establishments, as best he could, to try to get one delivery coming for both establishments, instead of several deliveries. (Tr. 8/3/05 at 75-76.) He recalled that within a week of beginning this process, Mr. Reynolds informed him that there was a noise issue because the delivery trucks were parking directly behind the back doors of both establishments, resulting in an echo effect throughout the alley. (Tr. 8/3/05 at 76-77, 80.)
6. Mr. Stavropoulos stated that as a result of the echo effect, he instructed all delivery drivers to park approximately one hundred (100) feet south of the licensed establishment, causing the drivers to walk the deliveries up to the establishment using hand carts. (Applicant's Exhibit No. 4f; Tr. 8/3/05 at 77, 80-82, 184.) Mr. Stavropoulos stated that he took additional

precautions by: 1) posting laminated signs on the back door of the establishment instructing the drivers where to park; 2) inserting the parking instructions on the invoices; 3) requiring each delivery driver to sign a log indicating the date of delivery, time of delivery, and the location where they parked; and 4) instructing all delivery drivers to turn off their engines, radios, and compressor – weather permitting. (Applicant's Exhibit Nos. 2a-2b, 4d-4e, 9; Tr. 8/3/05 at 78-81, 95, 180-181, 192.) He indicated that the establishment's employees who receive deliveries immediately instruct the drivers, if they are not parked in the proper place, to park in the designated parking area. (Tr. 8/3/05 at 79.) The log kept by the establishment notes whether the delivery drivers park in the designated area and if an employee tells the driver to park in the designated area in the alley. (Tr. 8/3/05 at 79, 92.) If a driver refuses to park in the designated area, the vendor is contacted immediately and the driver is either removed from that route or reprimanded by the vendor. (Tr. 8/3/05 at 79.) Mr. Stavropoulos stated that between March of 2002 and July 2002, Mr. Reynolds never contacted him about the situation or expressed any complaints. (Tr. 8/3/05 at 82-83.)

7. In July 2004, Mr. Stavropoulos moved the designated delivery truck parking area further north, to a section of the alley where the City Paper is located and where there are no residential homes, in an effort to reduce the amount of noise that would disturb residents. (Applicant's Exhibit No. 4b; Tr. 8/3/05 at 87-88, 173, 183.) This new delivery area was approximately one hundred and fifty (150) feet away from the establishment. (Tr. 8/3/05 at 88-89.) Mr. Stavropoulos also changed the back door signs to reflect the new delivery area and gave the vendors new instructions regarding the delivery area. (Applicant's Exhibit 2a-2b, 4d-4e; Tr. 8/3/05 at 89, 95, 180-181.)
8. With regard to residential parking needs, Mr. Stavropoulos stated that moving the delivery location also allows the majority of people leaving the alley to exit out of the throughway near Caribou Coffee. (Tr. 8/3/05 at 92.) Mr. Stavropoulos noted that despite moving the designated parking area, there is no guarantee that the alley won't still be blocked because the surrounding establishments begin getting their deliveries around 9:00 a.m. or 10:00 a.m., causing the alley to be congested while people are leaving for work. (Tr. 8/3/05 at 92-93.)
9. The Diner and Tryst receive their alcoholic beverage deliveries daily between the hours of noon and 2:00 p.m. (Tr. 8/3/05 at 95-96.) The eighteen-wheeler beer trucks are too large to enter the alley, so they park on 18th Street, N.W., and the truck drivers wheel the kegs around into each establishment. (Tr. 8/3/05 at 95-96, 169.) He stated that the delivery trucks park in front of the establishment, blocking in parked cars, because the trucks are too long to park in the designated loading zone on 18th Street, N.W., which requires vehicles to back in. (Applicant's Exhibit Nos. 7a-7c; Tr. 8/3/05 at 96-97, 169, 190-191.)
10. With regard to the issue of noise, Mr. Stavropoulos implemented a policy whereby all recycled bottles are kept inside of the establishment until the morning when they are put into the recycling dumpsters. (Tr. 8/3/05 at 90-91.) Mr. Stavropoulos believes that noise will always be an issue because the neighborhood is a mixed-use community with businesses on one side and residents on the other; but he believes that his establishments have tried their best to lessen the severity of the noise problems. (Tr. 8/3/05 at 90, 173.)

11. The Board received a letter, dated July 21, 2005, from Ward One Councilmember Jim Graham in support of the renewal of the Applicant's license. (Tr. 8/3/05 at 186-187.)
12. Josh Gibson is a member of Advisory Neighborhood Commission ("ANC") 1C07 and he is the executive director of AMBID. (Tr. 8/3/05 at 100-103, 107, 121.) Mr. Gibson supports the renewal of the Applicant's license. (Tr. 8/3/05 at 101, 123.) Mr. Gibson believes that The Diner and Tryst are central to the identity of the Adams Morgan neighborhood and that they are two (2) of the best performing and most responsible members of the business community. (Tr. 8/3/05 at 101.) He stated that ANC 1C did not take a position on the renewal of the Applicant's license. (Tr. 8/3/05 at 101.) Mr. Gibson stated that ANC 1C only takes action on licensees that are problematic and that the absence of action from the ANC is a form of tacit approval. (Tr. 8/3/05 at 101.) Mr. Gibson noted a page from the minutes of a January 7, 2004 ANC 1C meeting that contained a resolution in which ANC 1C commended Mr. Stavropoulos for running quality businesses in the Adams Morgan community. (Applicant's Exhibit No. 6; Tr. 8/3/05 at 105-106.)² He indicated that a quorum was present when ANC 1C voted on this resolution. (Tr. 8/3/05 at 126.)
13. Mr. Gibson indicated that in a Business Improvement District ("BID") the property owners within the boundaries of the commercial district agree to tax themselves an additional supplement on their property value and that the money raised by the BID is then spent to address cleanliness and safety issues. (Tr. 8/3/05 at 102.) He believes that the primary benefits of a BID are sustainable funding and a permanent staff. (Tr. 8/3/05 at 109.) Mr. Gibson indicated that AMBID is attempting to: 1) widen the Z curve at the northern end of the alley so that trucks can enter the alley from the north; and, 2) find a single source trash solution to save the businesses money and also reduce the number of trucks in the alley. (Applicant's Exhibit No. 4a; Tr. 8/3/05 at 104.) Mr. Gibson believes that the more serviceable you can make both ends of the alley, the more alternatives you give to someone who is trying to get out of the alley and that by widening one entrance to the alley you encourage trucks to drive into the alley rather than forcing them to back into the alley, causing the "beep, beep" sound. (Tr. 8/3/05 at 113, 116.) Mr. Gibson indicated that most of the trucks in the alley are for food deliveries and that alcoholic beverage deliveries are done from the street, due primarily to the size of the trucks. (Tr. 8/3/05 at 130, 134.)
14. Dr. Charles L. Brazie resides at 2006 Columbia Road, N.W., and owns a consulting company headquartered in Adams Morgan. (Tr. 8/3/05 at 135-136, 143.) Dr. Brazie is an officer and a director in the Adams Morgan Business and Professional Association and he is also a director on AMBID. (Tr. 8/3/05 at 136.) Dr. Brazie also serves on a committee for the Adams Morgan Mainstreet Organization ("Mainstreet"), where he is the designated liaison officer for ABRA matters, and on the Steering Committee of the 18th Street Traffic and Transportation Study, which has been ongoing for six (6) months. (Tr. 8/3/05 at 136, 156.) Dr. Brazie indicated that the District Department of Transportation ("DDOT") has hired a well-known consulting firm to conduct this comprehensive study to analyze the 18th Street, N.W., corridor, including Woodley Park, and the alleys that are associated with 18th Street,

² The Board notes that ABRA's current Chief of Operations Jeff Coudriet was a Commissioner in ANC 1C at the time that the January 7, 2004 resolution was passed but that Mr. Coudriet no longer serves as a Commissioner in ANC 1C.

N.W. (Tr. 8/3/05 at 136-137, 140-142.) He stated that the study will analyze pedestrian and vehicular interface problems, alley congestion problems, and general congestion problems at the intersections of 18th Street, N.W., and Columbia Road, N.W., and at the intersection of 18th Street, N.W., and Florida Avenue, N.W. (Tr. 8/3/05 at 137.)

15. The two (2) subcommittees of Mainstreet, one for the east side alley of 18th Street, N.W., and one for the west side alley of 18th Street, N.W., are working in anticipation of the BID and have signed-up the majority of the businesses on 18th Street, N.W., to use a single source trash pick-up service and standardized receptacles in the alleys. (Tr. 8/3/05 at 141-142.) Dr. Brazie stated that there are currently sixteen (16) trash companies that make pick-ups within Adams Morgan's commercial district. (Tr. 8/3/05 at 142.) He believes that a sole or dual source trash pick-up service will allow for more efficient trash collection and that standardizing the trash receptacles in the alleys will prevent leakage and access by rats. (Tr. 8/3/05 at 146.) He also stated that vehicles parked illegally in the alleys will begin getting ticketed and towed by the Department of Public Works. (Tr. 8/3/05 at 147-150.)
16. Katie Davis resides at 1751 Lanier Place, N.W., and has lived in Adams Morgan since she was 10 years old. (Tr. 8/3/05 at 159.) Ms. Davis runs a youth group called the Urban Rangers and she has participated in beautification projects on Columbia Road, N.W., and 18th Street, N.W. (Tr. 8/3/05 at 161.) Ms. Davis supports the renewal of the Applicant's license. (Tr. 8/3/05 at 160.) She believes that Mr. Stavropoulos and his two (2) businesses, The Diner and Tryst, were catalysts for bringing life to a commercial strip that was otherwise desolate. (Tr. 8/3/05 at 160-161.) She considers Mr. Stavropoulos a valuable community member and believes he has made a concerted effort by attending meetings discussing problems with trash, rodents, and alley improvement. (Applicant's Exhibit No. 10; Tr. 8/3/05 at 164.)
17. Carlos Lumpuy has resided at 2366 Champlain Street, N.W., since the 1970s. (Tr. 8/3/05 at 242-243, 258.) Mr. Lumpuy also owns three (3) other residences on Champlain Street, N.W., and an apartment building at 2351 Champlain Street, N.W. (Tr. 8/3/05 at 243.) His residence is a little more than forty (40) feet south of the Applicant's establishment. (Tr. 8/3/05 at 258.)
18. With regard to residential parking needs, Mr. Lumpuy stated that he and his tenants have difficulty getting in and out of their parking spaces on Champlain Street, N.W. (Tr. 8/3/05 at 245, 252.) Mr. Lumpuy testified that the delivery trucks for both The Diner and Tryst park at the northern end of the alley, preventing him from exiting in that direction. (Tr. 8/3/05 at 250-251, 259.) He noted that he can only exit via the south end of the alley, by Caribou Coffee, if the alley is not blocked by other trucks. (Tr. 8/3/05 at 259.) He has had to call a cab a number of times because his car has been blocked in by delivery trucks. (Tr. 8/3/05 at 256.) Mr. Lumpuy indicated that the average wait time for a delivery truck to move ranges from ten (10) minutes to two (2) hours. (Tr. 8/3/05 at 257.)
19. Mr. Lumpuy testified that the alley is sixteen (16) feet wide and that the dumpsters take up between four (4) and five (5) feet of the alley space. (Tr. 8/3/05 at 246, 254.) He indicated that when a delivery truck pulls into the alley, coupled with the dumpsters, it is impossible for a car to pass. (Tr. 8/3/05 at 254.) Mr. Lumpuy stated that the delivery truck drivers have

informed him that both The Diner and Tryst will not accept deliveries from the front of the establishment. (Tr. 8/3/05 at 255.) He believes that the Applicant's establishments should use one of the six (6) loading zones on 18th Street, N.W., including the one that is directly in front of Tryst. (Tr. 8/3/05 at 265.)

20. Erik Huey has resided at 2380 Champlain Street, N.W., Unit 303, since November 2001. (Tr. 8/3/05 at 27-28, 47.) Mr. Huey is the secretary of the Grammercy Loft Condominium Association. (Tr. 8/3/05 at 32-33.) He parks his car in the garage of his building, which contains a total of eight (8) parking spaces. (Tr. 8/3/05 at 28-29.) Mr. Huey leaves for work by car between 8:30 a.m. and 9:30 a.m. (Tr. 8/3/05 at 29.) Mr. Huey's parking space is directly across from the back door of the Applicant's establishment. (Tr. 8/3/05 at 29.)
21. With regard to residential parking needs, Mr. Huey indicated that there is usually a delivery truck parked directly in front of his garage that prevents him from exiting his garage or there are delivery trucks parked on either side of the alley that prevent him from exiting the alley. (Tr. 8/3/05 at 29.) He estimated that the delivery trucks range in size from twenty (20) to thirty (30) feet. (Tr. 8/3/05 at 53-54.) Mr. Huey tends to be delayed between three (3) and ten (10) minutes and has occasionally had to go inside of the Applicant's establishment to find delivery truck drivers. (Tr. 8/3/05 at 30, 45.) He indicated that the response of the delivery truck drivers ranges from friendly and amiable to downright belligerent. (Tr. 8/3/05 at 20, 31.) Mr. Huey stated that getting his car blocked in is a serious problem that has caused him to be late to meetings and work. (Tr. 8/3/05 at 31.) Mr. Huey has had to repair his car on numerous occasions because the establishment keeps kegs and crates in the alley that protrude beyond the dumpsters. (Tr. 8/3/05 at 37.)
22. Mr. Huey stated that at the Board meetings of the Grammercy Loft Condominium Association he and his neighbors have discussed this parking problem along with the trash in the alleys and the dumpsters which take up one third of the alleyway space. (Tr. 8/3/05 at 32, 46.) The Condominium Board has received complaints from all eight (8) parking space owners. (Tr. 8/3/05 at 32-33.) He stated that the alley behind his building is between fifteen (15) and twenty (20) feet wide and he estimated that the dumpsters take up to five (5) feet of the alley and that the rest of the alley is consumed by the delivery trucks, leaving less than one foot on either side of a parked delivery truck. (Tr. 8/3/05 at 34, 56.)
23. With regard to peace, order, and quiet, Mr. Huey testified that the delivery trucks begin making noises in the alley at 5:30 a.m. and that the noises continue until after 9 a.m. (Tr. 8/3/05 at 34-35.) He described the noises as loud idling sounds, coupled with vibrations that can be felt in the alley and inside of his building. (Tr. 8/3/05 at 34.) Mr. Huey testified that he is forced to close his windows because of these loud noises, which include the conversations of the workers, the honking of horns, and the sounds of radios playing. (Tr. 8/3/05 at 35.) He could only attribute the noise he heard from the delivery trucks to the trucks that are parked below his window and not specifically to those delivery trucks used by the Applicant's establishment; however, he noted that the establishment is located below his window. (Tr. 8/3/05 at 43, 45.) Mr. Huey believed that the delivery trucks he has observed in the alley include beer trucks, but more often than not the delivery trucks are not beer trucks. (Tr. 8/3/05 at 55-56.) He testified that on Friday and Saturday nights at midnight and

then again between 2 a.m. and 3 a.m., he can hear bags full of beer bottles being dumped into the alley dumpsters. (Tr. 8/3/05 at 36, 44-45.)

24. Mr. Huey has observed signs posted in the back of the Applicant's establishment for at least six (6) months, asking the delivery trucks to make deliveries before 9:00 a.m., on 18th Street, N.W., out of respect for the neighbors; however, he doesn't believe the signs have made a difference. (Tr. 8/3/05 at 36-37.) He has never spoken with Mr. Stavropoulos in reference to these problems but has spoken to individual employees. (Tr. 8/3/05 at 45-46.) Mr. Huey wants the deliveries to be done on the street, rather than in the alley, and he also wants the trash receptacles and dumpsters to be removed from the alley or for the trash removal to be coordinated so that all of the establishments can use one company that would come on a specific day and not during peak driving hours. (Tr. 8/3/05 at 47-48.)
25. Donna Groves has resided at 2356 Champlain Street, N.W., since 1997, and she owns a business on 18th Street, N.W. (Tr. 8/10/05 at 14, 18, 51-52.) Although she can walk to work, she often uses her car to meet clients. (Tr. 8/10/05 at 18.) The Diner and Tryst are approximately two hundred (200) feet away from her residence. (Tr. 8/10/05 at 17-18.) Ms. Groves has two (2) parking spaces that are located to the rear of her townhouse, which can only be accessed through the alley between 18th Street, N.W., and Champlain Street, N.W. (Tr. 8/10/05 at 18.) Her parking spaces are approximately one hundred (100) feet away from the alley exit that is near Caribou Coffee. (Tr. 8/10/05 at 34.)
26. With regard to residential parking needs, she stated that between 6:00 a.m. and 8:30 a.m., as well as in the afternoon, her car is blocked in by delivery and trash trucks waiting to make their way up the alley once the congestion clears up from behind The Diner and Tryst. (Tr. 8/10/05 at 19, 36-39.) Ms. Groves has been late to appointments and forced to take cabs because her car has been blocked in. (Tr. 8/10/05 at 23.) She usually gives herself an extra fifteen (15) to thirty (30) minutes in the morning in case her car is blocked. (Tr. 8/10/05 at 24, 48.) Ms. Groves testified that all of her neighbors experience the same problem. (Tr. 8/10/05 at 25.) She indicated that between 6 a.m. and 9 a.m., most of the delivery trucks belong to either The Diner or Tryst. (Tr. 8/10/05 at 19-20, 51.) Ms. Groves stated that when her car is blocked in, she has had to knock on the back doors of each restaurant along the alley to find the drivers and ask them to move their trucks. (Tr. 8/10/05 at 20.) She determined that on more than one occasion delivery trucks have been parked directly behind both of Mr. Stavropoulos' establishments. (Tr. 8/10/05 at 31, 38.) Specifically, Ms. Groves recalled that on August 2, 2005, while measuring the alley behind the Applicant's establishment and the dumpsters, she observed a SYSCO delivery truck parked directly behind the Applicant's establishment for over thirty (30) minutes, loading and unloading items. (Tr. 8/10/05 at 31.)
27. Ms. Groves indicated that it is impossible for a vehicle to get around the trucks when they are parked in the alley. (Tr. 8/10/05 at 25.) She stated that the width of the alley is sixteen (16) feet and that the dumpsters in the alley range in size between fifty-four (54) inches deep and six and a half (6 ½) feet wide. (Tr. 8/10/05 at 25, 55-56.) Ms. Groves indicated that regardless of where in the alley the delivery trucks are parked, the blockage problem still exists because it has a chain effect that causes other trucks, not necessarily trucks associated

with the Applicant's establishment or Tryst, to form a line down the alley. (Tr. 8/10/05 at 32, 46-47.)

28. With regard to peace, order, and quiet, Ms. Groves stated that the delivery trucks also generate noises, including a "beep, beep, beep" noise when the trucks reverse, the slamming of doors, and a loud grumbling when the trucks sit idle. (Tr. 8/10/05 at 32-34.)
29. Ms. Groves believes that this problem can be solved if both The Diner and Tryst accepted their deliveries from the loading zones located on 18th Street, N.W. (Tr. 8/10/05 at 45.) She also believes that another solution would involve limiting all deliveries to a specific time of day, so residents could work their schedules around those delivery times. (Tr. 8/10/05 at 49-50, 59-60.)
30. Peter Lyden resides at 1726 Euclid Street, N.W., and is the president of the Reed-Cooke Neighborhood Association ("RCNA"). (Tr. 8/10/05 at 61.) Mr. Lyden stated that RCNA has used its voluntary agreements with neighboring ABC establishments to address the issue of truck deliveries by drafting language that ensures that the establishments will move their deliveries out of the alley and onto 18th Street, N.W., thereby reducing the conflict that exists when you have residents abutting a commercial area. (Protestant's Exhibits Nos. 2-3; Tr. 8/10/05 at 62-70, 81.)
31. Wilson Reynolds has resided at 2370 Champlain Street, N.W., Unit 23, since 1984. (Tr. 8/10/05 at 83-84.) Mr. Reynolds residence is approximately twenty (20) feet from the back door of the Applicant's establishment. (Tr. 8/10/05 at 148.) Since December 2003, Mr. Reynolds has compiled a collection of photographs and written logs documenting congestion and noise in the alley between Champlain Street, N.W., and 18th Street, N.W. (Protestant's Exhibit No. 4; Tr. 8/10/05 at 84-85.) Mr. Reynolds' daily observation of both the delivery truck services and trash activities in the alley occurred between 5 a.m. and 9 a.m. (Tr. 8/10/05 at 84-88.) Mr. Reynolds would record his observations whenever he was awoken and would note: 1) what kind of truck it was; 2) the time the truck arrived; 3) the time the truck departed; 4) any noises that were made by the truck; and, 5) if the truck blocked another vehicle that was trying to enter or exit the alley. (Tr. 8/10/05 at 88-89, 96-97, 158.) Mr. Reynolds testified that since he began recording his observations, there has been only one delivery truck that did not deliver to either the Applicant's establishment or Tryst. (Tr. 8/10/05 at 96-98, 148.) He observed many trash trucks going through the alley, but he has never seen alcoholic beverage delivery trucks for either The Diner or Tryst congesting the alley. (Tr. 8/10/05 at 148, 159.) Mr. Reynolds confirmed that there are signs posted on the back of both of the establishments directing the delivery truck drivers to park in a certain portion of the alley before 9:00 a.m. (Tr. 8/10/05 at 155.)
32. Mr. Reynolds stated that the delivery times ranged from ten (10) minutes to over three (3) hours. (Tr. 8/10/05 at 100-101.) He noted that Mondays, Wednesdays, and Fridays had the heaviest amount of activity. (Tr. 8/10/05 at 89.) Mr. Reynolds described several log incidents in which SYSCO, Treehouse Produce, and Instant Whip trucks were parked in the alley making deliveries. (Applicant's Exhibit No. 9; Tr. 8/10/05 at 89-92.) He testified that the SYSCO trucks are the only delivery trucks that primarily park at the northern end of the

alley behind the City Paper. (Tr. 8/10/05 at 153, 156.) Mr. Reynolds narrated a videotape recording he made in August 2004 of the delivery trucks blocking the alley between Champlain Street, N.W., and 18th Street, N.W., while making deliveries to both The Diner and Tryst. (Protestant's Exhibit No. 11; Tr. 8/10/05 at 130-139.)

33. With regard to residential parking needs, Mr. Reynolds indicated that it is difficult for him to park and exit his parking space because at least two (2) times per week there is either a delivery truck parked in front of his space or delivery trucks parked at each end of the alley. (Tr. 8/10/05 at 108-109.) He recalled having to wait as long as fifteen (15) minutes for trucks drivers to move their vehicles. (Tr. 8/10/05 at 109-110.) Since November 2003, Mr. Reynolds has rented out his parking space in the alley and he parks in a garage space he purchased at 2370 Champlain Street, N.W. (Tr. 8/10/05 at 109-110, 149.) Mr. Reynolds admits he is foregoing income by not using his space in the alley, but he believes that it is more important to be able to get out of his parking space when he needs to without having to wait for other people. (Tr. 8/10/05 at 110.)
34. Mr. Reynolds and Mr. Stavropoulos have been in communication with each other over the delivery truck issue for about two (2) years, including: written correspondence that Mr. Reynolds has sent directly to Mr. Stavropoulos complaining about the noise and congestion problems caused by the delivery trucks, and Mr. Stavropoulos' responses explaining all the efforts he has undertaken with his vendors. (Protestant's Exhibit No. 7-9; Tr. 8/10/05 at 113-126.)
35. With regard to noise, Mr. Reynolds described the sounds made by the delivery trucks, which echo throughout the alley, including "beep, beep, beep" sounds, the sounds made by the trucks' brake systems, the sounds of the truck ramps as they are pulled out and then dropped on the ground, etc. (Tr. 8/10/05 at 101-102.) He admitted that Mr. Stavropoulos moved the designated parking area of the delivery trucks to an area behind the City Paper to eliminate as much noise as possible from behind Mr. Reynolds' apartment building. (Tr. 8/10/05 at 152, 156.)
36. Mr. Reynolds stated that there are six (6) loading zones along the 2400 block of 18th Street, N.W., with three (3) on the east side and three (3) on the west side. (Protestant's Exhibit No. 12; Tr. 8/10/05 at 141-142.) He indicated that in the early morning hours, the traffic conditions on 18th Street, N.W., are light. (Protestant's Exhibit No. 12; Tr. 8/10/05 at 142.) Mr. Reynolds contended that the early morning traffic pattern on the northbound side of 18th Street, N.W., is much lighter than in the afternoon and that delivery trucks parked in the loading zones on 18th Street, N.W., would not impede traffic. (Tr. 8/10/05 at 161-162.)
37. Mr. Reynolds admitted that Mr. Stavropoulos is the only business owner that has worked with him in connection with the alley problems. (Tr. 8/10/05 at 157.) Mr. Reynolds and the Protestants are not against the renewal of the Applicant's license but want the Board to issue an order instructing the Applicant to use the delivery zones on 18th Street, N.W., and prohibit all deliveries from the alley. (Tr. 8/3/05 at 24-25; Tr. 8/10/05 at 161.)

38. The Protestant's concerns with the Applicant involve in large part concerns regarding perceived violations by delivery trucks in the alley between 18th Street N.W. and Champlain Street, N.W., of Title 18 of the District of Columbia Municipal Regulations, including sections 2402 and 2405. (See Protestors Memorandum in support of protest; Tr. 8/10/05 at 8-14, 169.)

CONCLUSIONS OF LAW

39. Pursuant to D.C. Official Code § 25-313(a) (2001), an Applicant must demonstrate to the satisfaction of the Board that the establishment for which a liquor license is sought is appropriate for the neighborhood in which it is located. Having considered the evidence upon which this determination must be made and the findings of fact adduced at the protest hearings, the Board concludes that the Applicant has demonstrated that the renewal of its Retailer's Class "CR" License – with the condition imposed by the Board as listed below – would be appropriate for the delineated area in which the establishment is located.
40. Pursuant to D.C. Official Code § 25-313(b)(2) (2001) and Title 23 of the District of Columbia Municipal Regulations ("23 DCMR") § 400.1(a) (2004), the Board must determine whether renewing the Applicant's license will have an adverse effect on the peace, order, and quiet of the neighborhood.
41. With respect to the issue of noise, the Board found no evidence of any problems with noise from either patrons of the establishment or employees of the establishment. However, the testimony and evidence presented by Mr. Reynolds, Mr. Huey, and Ms. Groves did reveal problems with noise from delivery trucks -- specifically, trucks delivering non-alcoholic beverage products to the establishment -- in the alley located behind the Applicant's establishment and adjacent to the residential homes on Champlain Street, N.W. Specifically, the testimony of Mr. Reynolds, Mr. Huey, and Ms. Groves revealed that the noises from delivery trucks in the alley, which include loud idling sounds, conversation between drivers, truck ramps being dropped to the ground, doors slamming, horns honking, and the "beep, beep, beep" sound of trucks reversing, begin at 5:30 a.m. and continue until after 9 a.m., and that the noises are generated by the numerous deliveries and trash service pick-ups that occur in the alley. The testimony indicated that these noise problems are attributable to truck deliveries and garbage pick-ups to and from many ABC establishments and other retailers on 18th Street, N.W., not just the Applicant's establishment. Mr. Huey also testified that on Friday and Saturday nights he can hear bags of beer bottles being dumped into the alley dumpsters between the hours of midnight and 3 a.m.
42. While the Board empathizes with the noise disturbances faced by neighboring residents, the Board is satisfied with the efforts made by Mr. Stavropoulos to minimize the severity of the noise problems that occur in the alley. Specifically, in an effort to address the issue of beer bottles being dumped into alley dumpsters between the hours of midnight and 3 a.m., the Applicant implemented a policy whereby all recycled bottles are kept inside of the establishment until the morning for placement into its recycling dumpsters. Additionally, Mr. Stavropoulos' testimony revealed that he has taken preventative measures to reduce the noise level in the alley by posting laminated signs on the back door of the establishment

directing the delivery truck drivers to park at 2471 18th Street, N.W., when making deliveries before 9 a.m., and requesting that the truck drivers turn off their engines, radios, and compressors, when possible, while making deliveries. Furthermore, while the Board lacks the expertise and jurisdiction to determine where the unloading of non-alcoholic beverage deliveries should occur, the testimony of both Mr. Stavropoulos and Mr. Reynolds is clear that Mr. Stavropoulos has made a concerted effort to try and resolve this issue by making specific requests of its vendors and moving the designated delivery truck parking area twice in response to the noise complaints that he has received.

43. In making this decision, the Board notes that the testimony and evidence established that in addition to the Applicant's establishment, the alley also services approximately forty (40) other commercial businesses and numerous residential homes and that the problems raised by the Protestants are part of a bigger neighborhood problem that involves more than just the Applicant's establishment. The photographs and written logs provided by Mr. Reynolds serve as further proof of the high volume of traffic that flows through the alley and the residual noise problems that result from such heavy demand, i.e., the idling of loud engines, the honking of truck horns, the conversational volume of third party delivery persons, etc. The Board finds the evidence to reveal that delivery and service trucks, including delivery trucks to the establishment, generate the majority of the noise complained about by the Protestants. The Board notes that it maintains the authority to impose restrictions on deliveries to the Applicant's establishment that involve alcoholic beverages. However, the Board does not find that it has jurisdiction to regulate perceived alley delivery violations of Title 18 of the DCMR, or place restrictions on the delivery of products unrelated to the Applicant's liquor license, such as baked goods and produce. Consequently, the Board cannot grant the Protestants' request that the Applicant be prohibited by Board order from accepting all deliveries in the alley, as such action would be beyond the expertise or jurisdiction of this Board and a legal determination to that effect would need to be made by the appropriate District of Columbia government agency, e.g., the Department of Public Works ("DPW") which enforces alley delivery violations under Title 18, or DDOT. *See Kopff v. District of Columbia Alcoholic Beverage Control Bd.*, 413 A.2d 152, 154 (D.C. 1980) (explaining that the Board does not have the jurisdiction or expertise to review a licensee's compliance with the law or regulations administered and enforced by a "coordinate administrative department."). Moreover, in recognizing that it will take a comprehensive plan such as the work of a BID or DDOT to significantly reduce, if not eliminate, the noise problems in the alley, the Board is limited in the remedies it can provide to the Protestants. With this understanding, the Board believes it is appropriate to impose a condition on the Applicant's license that will require the Applicant to continue its present policy of accepting no alcoholic beverage deliveries in the alley to the rear of the licensed establishment. While the Board commends the Applicant for its diligent efforts to address the concerns of neighboring residents, the Board finds that imposing this condition will help prevent any worsening of the noise problems that plague the alley. The Board notes that it has authority to place this condition on the Applicant's license pursuant to D.C. Official Code § 25-104(e) (2001).
44. With regard to the issue of litter, the testimony of Mr. Stavropoulos revealed that the establishment does not have a significant problem with litter and has four sealed dumpsters

and has trash pick-up service seven days a week. However, the Board did find concerning the testimony of Mr. Huey who indicated that the Applicant's establishment keeps kegs and crates in the alley that protrude beyond its dumpsters and create hazards for residents driving through the alley. As such, the Board is placing as a condition on the Applicant's license that no kegs or crates be maintained in the alley behind the licensed establishment. The Board notes that it has authority to place this condition on the Applicant's license pursuant to D.C. Official Code § 25-104(e) (2001). The two conditions set forth in this Order are in addition to the restrictions contained in the Applicant's existing voluntary agreement with Advisory Neighborhood Commission 1C, dated March 1, 2000.

45. Additionally, based upon the record as a whole, the Board found that the establishment did not have any problems with loitering, rowdiness, noise from patrons, or criminal activity. As a result of the above, the Board finds that the Applicant's establishment -- with the conditions imposed above -- does not adversely effect the peace, order, and quiet of the neighborhood.
46. Pursuant to D.C. Official Code § 25-313(b)(2) (2001), the Board finds based upon the record as a whole that the establishment does not have an adverse impact on real property values. The Board notes that this issue was not raised by the Protestants as a protest issue.
47. Pursuant to D.C. Official Code § 25-313(b)(3) (2001), the Board must determine whether renewing the Applicant's license will have an adverse effect on the residential and vehicular parking needs of the neighborhood. Based upon the record, the Board found no evidence of residential or vehicular parking problems caused by patrons or employees of the establishment. However, the testimony of Mr. Lumpuy, Ms. Groves, Mr. Reynolds, and Mr. Huey, all residents of Champlain Street, N.W., revealed that trucks making deliveries, including to the Applicant's establishment, are often parked in the alley behind their residences blocking access to and from their private parking spaces. Specifically, Mr. Huey testified that the delivery trucks range in size between twenty (20) to thirty (30) feet and frequently block access to and from his garage. Mr. Lumpuy, Mr. Huey, and Ms. Groves also complained that the delivery and trash trucks park on opposing ends of the alley and that the traffic congestion in the alley has often caused them to be late for work and appointments and has forced them to take cabs. Ms. Groves and Mr. Reynolds also recalled that between 5:00 a.m. and 9:00 a.m., most of the trucks in the alley are making deliveries to either the Applicant's establishment or Tryst and that the delivery times ranged from ten (10) minutes to over three (3) hours.
48. While the Board finds the noise problems caused by delivery trucks in the alley, including trucks delivering to the establishment, to be an important issue of concern, the Board does not find this issue to warrant the denial of the Applicant's liquor license for three reasons. First, the Protestants are not opposing the renewal of the Applicant's liquor license. Second, as stated above, the Applicant has made a concerted effort to work with the Protestants to address this issue. Third, the granting of the Applicant's renewal application will not adversely affect the residential parking and vehicular safety issues raised by the Protestants as none of the deliveries at issue involve alcoholic beverages. While it is true the Board can place restrictions on an Applicant's license, the Board is unwilling and unable to do so in this instance. Specifically, the Protestant's request is that the Applicant be prohibited by Board

order from accepting deliveries not involving alcoholic beverages in the alley. In this case, the Board has neither the expertise or the jurisdiction to regulate commercial loading zones, including where deliveries of non-alcoholic beverages should take place, or enforce Title 18 of the DCMR, which sets forth the District's regulations on alley delivery. Rather, the appropriate government agencies with the expertise and jurisdiction to address these issues are DPW, which enforces alley delivery violations of Title 18 of the DCMR, and DDOT.

49. Based upon the record as a whole, the Board found the Applicant to have a good record of compliance during the license period with both the ABC laws and regulations and its voluntary agreement with the Kalorama Citizens Association.

Therefore, it is hereby ORDERED on this 2nd day of August 2006, that the renewal application for a Retailer's Class "CR" license filed by Romain's Table, Inc., t/a Romain's Table/The Diner, at 2453 18th Street, N.W., Washington, D.C., be and the same is hereby GRANTED.

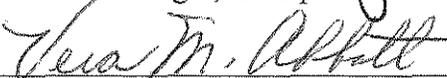
It is FURTHER ORDERED that the following conditions are hereby imposed on the Applicant and shall become a term of the license:

- (1) The Applicant shall not accept alcoholic beverage deliveries from trucks in the alley behind the establishment; and
- (2) The Applicant shall ensure that no kegs or crates are maintained in the alley behind the establishment.

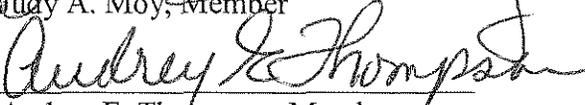
Romain's Table, Inc.
t/a Romain's Table/The Diner
August 2, 2006

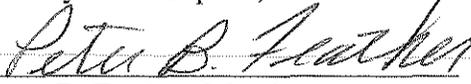
District of Columbia
Alcoholic Beverage Control Board

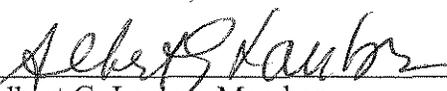

Charles A. Burger, Chairperson

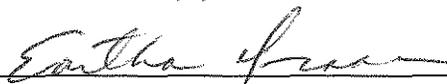

Vera M. Abbott, Member


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.

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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 (April 2004) 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).

Billed

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

In the Matter of :

Romain's Table, Inc.
t/a Romain's Table

Application for a Retailer's Class
CR License - new

2453 - 18th Street, N.W.
Washington, D.C.

213 - 18th Street

Application no. 50051

Linda Softli, Chair, on behalf of Advisory Neighborhood Commission 1C, Signatory
Constantine Stavropoulos, President, on behalf of Applicant

BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Ellen Opper-Weiner, Esquire, Member
Audrey E. Thompson, Member

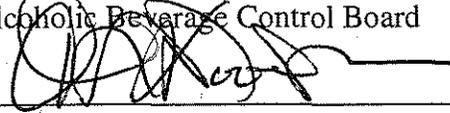
ORDER ON VOLUNTARY AGREEMENT

This matter came before the Board for approval on March 22, 2000. The signatories to the attached voluntary agreement (undated), submitted the agreement to the Board in accordance with 23 DCMR Section 1513 of the ABC Regulations (DCMR Title 23 June 1997).

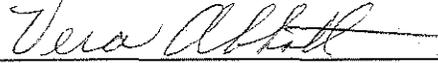
Having determined that the agreement complies with all applicable laws and regulations and that the Applicant otherwise qualifies for licensure, the Board does hereby this 28 day of June 2000, **APPROVES** the license application conditioned on the Applicant's compliance with the terms of the voluntary agreement and incorporates the text of the same into this Order.

Romain's Table, Inc.
t/a Romain's Table
Page two

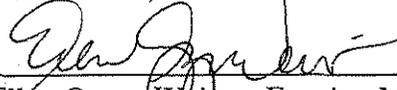
District of Columbia
Alcoholic Beverage Control Board



Roderic L. Woodson, Esquire, Chair



Vera Abbott, Member



Ellen Opper-Weiner, Esquire, Member



Audrey E. Thompson, Member

3

**AGREEMENT DATED MARCH 1, 2000 BETWEEN
Advisory Neighborhood Commission 1C and Romain's Table**

The undersigned Advisory Neighborhood Commission has entered into an agreement concerning the granting of a CR license as provided in application # 50051 of Romain's Table, Inc., t/a Romain's Table ("Licensee") for a license to serve alcoholic beverages under the conditions contained below and recommends the ABC Board grant such license accordingly:

1) Hours of operation.

The Licensee shall be open daily, 24 hours a day. *-OK*

Alcoholic Beverages and Kitchen Hours. Licensee shall not serve alcoholic beverages prior to 10:00 a.m. Monday through Friday and 10:00 a.m. Saturday and Sunday. Food service shall be available at all times that alcoholic beverages are served. Alcoholic beverages shall not be sold after the hours permitted by the ABC Board (specifically, 2 a.m. weekdays and 3 a.m. Friday and Saturday). *OK.*

2) Seating Capacities. Bar counter capacity shall be 16 stools and the main restaurant area will accommodate approximately 110 seats, for a total not to exceed 120 seats. *OK*

3) Noise Suppression. Sound emanating from any part of the establishment shall not be audible outside when the door open or closed. Since Licensee shall be open during traditional "sleeping" hours, Licensee agrees to post appropriate signage alerting departing patrons to consider the hour and respect the quiet of the residential neighborhood, etc. *ON. MENUS & POSTER ON WINDOWS*

4) Valet Parking. In no event will licensee use valet parking to park a patron's car on a public street. *NONE*

5) Trash. Licensee will provide for regular trash/garbage removal (at least 3 times per week if Licensee maintains a large, e.g. 4 yard dumpster, or 5 times per week if it maintains a small dumpster that fills more frequently). Licensee shall see that trash and dumpster areas remain clean, the dumpster lid is kept tightly closed and incapable of being entered by vermin. Licensee shall not deposit grease and oils in the trash dumpster but will provide for proper removal of such materials. *OK*

Licensee shall maintain free of trash and litter the public space and street adjacent to the front of its premises in compliance with all applicable DC regulations, including sweeping as often as needed (minimum twice daily).

6) Other conditions as follows:

Changes

The undersigned further agree that this Agreement may be reviewed and amended in whole or in part by mutual agreement. Licensee agrees to notify the undersigned Advisory Neighborhood Commission in advance of any contemplated change to the matters contained in this agreement and at least 45 days in advance of any contemplated change of the ownership of Licensee.

Working with Community.

Licensee further agrees to periodically meet with residential neighbors (on an informal or formal basis as appropriate or circumstances require), that may be affected by Licensee's 24-hour operations and to reasonably respond to any concerns raised.

For Licensee:

For ANC 1C

~~_____~~
Constantine Sotiroopoulos
~~_____~~

_____ R. Sotiro

2000-3-13-003

50051

222-5506 fax



Advisory Neighborhood Commission 1C

2335 18th Street, NW, PO Box 21652, Washington, DC 20009

202-332-2630 fax 202-332-1071 • <http://www.anc1c.org>

9563
9479

BY FACSIMILE: 202-442-4425
Original to follow by U.S. Mail

March 7, 2000

Commissioners: Alcoholic Beverage Control Board
941 N. Capitol Street, NE
Chair
Linda Softli
(1C-01) Suite 7W
Washington, DC 20002

RE: Application Number 50051; Romain's Table

Vice Chair
Peter Schott
(1C-04)

Ladies and Gentlemen:

Treasurer
Carolyn Llorente
(1C-07)

Advisory Neighborhood Commission 1C (the "Commission") is pleased to comment on the application of Romain's Table, CR Application 50051, pending before the Board.

Secretary
Richard Mason
(1C-09)

On March 1, 2000, the Commission voted to SUPPORT the above referenced application. The resolutions passed by the Commission in this matter during the duly called public meeting of the Commission at which all Commissioners were present are as follows:

Eleanor Johnson
(1C-06)

NOW THEREFORE, IT IS RESOLVED, that the Commission SUPPORTS application number 50051 by Romain's Table for a CR license conditioned on its acceptance of the voluntary agreement attached hereto between it and the Commission, and recommends that such license be issued without delay; and

Eric Letsinger
(1C-08)

RESOLVED FURTHER, that the Commission hereby specifies that the Commission does not interpret its pending request for a moratorium on new liquor licenses as affecting Applicant's request for a license since such application was filed prior to the date of the hearing on such moratorium, regardless of the date the Applicant's license is heard by the ABC Board; and

Andrew Miscuk
(1C-03)

RESOLVED FURTHER, that the officers of the Commission shall be and hereby are authorized to take such actions as are appropriate or necessary to carry out the purposes of the foregoing resolutions.

Mark Wright
(1C-02)

Faith
(1C-05)

We request that the attached Voluntary Agreement be permanently included in the Applicant's file and made a part of its license. If you have any questions, please contact the undersigned.

FOR THE COMMISSION


Linda E. Softli, Chair


W. Richard Mason, Secretary

cc: Applicant (2), ANC 1C File Copy (2)
Enclosure

2000-3-7-005

BRN/ABC 34



Advisory Neighborhood Commission 1C

2335 18th Street, NW, PO Box 21652, Washington, DC 20009
202-332-2630 fax 202-332-1071 • <http://www.anc1c.org>



BY FACSIMILE: 202-442-4225
Original to follow by U.S. Mail

9563
2479

March 7, 2000

Commissioners: Alcoholic Beverage Control Board
941 N. Capitol Street, NE
Suite 7W
Washington, DC 20002

Chair
Linda Softli
(1C-01)

RE: Application Number 50051; Romain's Table

Vice Chair
Peter Schott
(1C-04)

Ladies and Gentlemen:

Advisory Neighborhood Commission 1C (the "Commission") is pleased to comment on the application of Romain's Table, CR Application 50051, pending before the Board.

Treasurer
Carolyn Lorente
(1C-07)

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Secretary
Richard Mason
(1C-09)

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Eric Letsinger
(1C-08)

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Andrew Miscuk
(1C-03)

Mark Wright
(1C-02)

We request that the attached Voluntary Agreement be permanently included in the Applicant's file and made a part of its license. If you have any questions, please contact the undersigned.

FOR THE COMMISSION

Linda E. Softli, Chair

W. Richard Mason, Secretary

cc: Applicant (2), ANC 1C File Copy (2)
Enclosure

2001 MAR -7 PM 3:11

**AGREEMENT DATED MARCH 1, 2000 BETWEEN
Advisory Neighborhood Commission 1C and Romain's Table**

The undersigned Advisory Neighborhood Commission has entered into an agreement concerning the granting of a CR license as provided in application # 50051 of Romain's Table, Inc., t/a Romain's Table ("Licensee") for a license to serve alcoholic beverages under the conditions contained below and recommends the ABC Board grant such license accordingly:

1) Hours of operation.

The Licensee shall be open daily, 24 hours a day.

Alcoholic Beverages and Kitchen Hours. Licensee shall not serve alcoholic beverages prior to 10:00 a.m. Monday through Friday and 10:00 a.m. Saturday and Sunday. Food service shall be available at all times that alcoholic beverages are served. Alcoholic beverages shall not be sold after the hours permitted by the ABC Board (specifically, 2 a.m. weekdays and 3 a.m. Friday and Saturday).

2) Seating Capacities. Bar counter capacity shall be 16 stools and the main restaurant area will accommodate approximately 110 seats, for a total not to exceed 120 seats.

3) Noise Suppression. Sound emanating from any part of the establishment shall not be audible outside when the door open or closed. Since Licensee shall be open during traditional "sleeping" hours, Licensee agrees to post appropriate signage alerting departing patrons to consider the hour and respect the quiet of the residential neighborhood, etc.

4) Valet Parking. In no event will licensee use valet parking to park a patron's car on a public street.

5) Trash. Licensee will provide for regular trash/garbage removal (at least 3 times per week if Licensee maintains a large, e.g. 4 yard dumpster, or 5 times per week if it maintains a small dumpster that fills more frequently). Licensee shall see that trash and dumpster areas remain clean, the dumpster lid is kept tightly closed and incapable of being entered by vermin. Licensee shall not deposit grease and oils in the trash dumpster but will provide for proper removal of such materials.

Licensee shall maintain free of trash and litter the public space and street adjacent to the front of its premises in compliance with all applicable DC regulations, including sweeping as often as needed (minimum twice daily).

6) Other conditions as follows:

Changes

2001 MAR -7 PM 3:11

Agreement between Romain's Table and ANC 1C
March 1, 2000

Page 2

The undersigned further agree that this Agreement may be reviewed and amended in whole or in part by mutual agreement. Licensee agrees to notify the undersigned Advisory Neighborhood Commission in advance of any contemplated change to the matters contained in this agreement and at least 45 days in advance of any contemplated change of the ownership of Licensee.

Working with Community.

Licensee further agrees to periodically meet with residential neighbors (on an informal or formal basis as appropriate or circumstances require), that may be affected by Licensee's 24-hour operations and to reasonably respond to any concerns raised.

For Licensee:

~~_____~~
Pantabus
Sturtevant

For ANC 1C

_____ *R. S. [Signature]*

2001 MAR -7 PM 3:11