

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

In the Matter of:)	
)	
Schneider's Liquor Co., Inc.)	
t/a Schneider's of Capitol Hill)	License No. 252
)	Order No. 2009-085
Holder of a Retailer's)	
Class A License)	
at premises)	
300 Massachusetts Ave., N.E.)	
Washington, D.C. 20002)	

John Genderson, on behalf of the Licensee

Karen Wirt, Chair, Advisory Neighborhood Commission, 6C

BEFORE: Peter B. Feather, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Charles Brodsky, Member
Donald Brooks, Member
Herman Jones, Member

**ORDER ON APPLICATION FOR EXCEPTION
TO SINGLE SALE MORATORIUM
AND ON VOLUNTARY AGREEMENT**

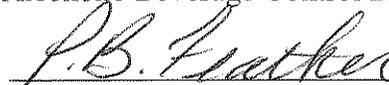
The official records of the Alcoholic Beverage Control Board (Board) reflect that Schneider's Liquor Co., Inc. t/a Schneider's of Capitol Hill, holder of a Retailer's Class A license, located at 300 Massachusetts Ave., N.E., Washington, D.C., has applied for an exception to the statutory single sale moratorium that currently exists in Ward 6.

The official records of the Board also reflect that the Licensee has provided the required information and supporting documentation, including a Voluntary Agreement, dated March 30, 2009, entered into with Advisory Neighborhood Commission (ANC) 6C in support of the Application. The Voluntary Agreement permits the termination of the exemption after one year from the effective date of the Agreement unless it is renewed by both parties upon their initiative. The Board's official records also reflect the absence of any primary or secondary tier violations against the Licensee in the 12 months preceding the filing of the application.

Schneider's, Liquor Co., Inc.
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Accordingly, the Board does hereby, this 15th day of April, 2009, **APPROVE** the Application filed by Schneider's, Liquor Co., Inc. t/a Schneider's of Capitol Hill located at premises 300 Massachusetts Avenue, N.E., Washington, D.C, for an exception to the single sale moratorium in Ward 6. The Board also **APPROVES** the Voluntary Agreement entered into with ANC 6C. Copies of this Order shall be sent to the Applicant and to ANC 6C.

District of Columbia
Alcoholic Beverage Control Board


Peter B. Feather, Chairperson

Mital M. Gandhi, Member


Nick Alberti, Member

Charles Brodsky, Member


Donald Brooks, Member


Herman Jones, 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.

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VOLUNTARY AGREEMENT

THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
CONTROL BOARD

THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
CONTROL BOARD

THIS VOLUNTARY AGREEMENT ("Agreement") is made on this 30th day of March 2009 by and between SCHNEIDER'S OF CAPITOL HILL ("Applicant"), and ADVISORY NEIGHBORHOOD COMMISSION 6C ("the ANC"), (collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant has applied for an exception to the "Consolidated Mt. Pleasant, Ward 2, and Ward 6 Single Sales Moratorium Act of 2008" ("Moratorium") moratorium on the sale of single containers of beer, malt liquor or ale, and half pints or less of spirits for License Class A for a business establishment ("Establishment") located at 300 Massachusetts Ave NE, Washington, D.C. ("Premises");

WHEREAS, the Parties have agreed to enter into this Agreement and request that the Alcoholic Beverage Control Board ("ABC Board") approve the Applicant's exception application conditioned upon the Applicant's compliance with the terms of this written Agreement; and

WHEREAS, the Parties are desirous of entering into a Voluntary Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to minimize the effect on the peace, order and quiet of the neighborhood and to eliminate the need for a Fact Finding Hearing regarding this exception application.

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. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. **Nature of the Business.** The Applicant will manage and operate a Class A retail establishment which includes the sales of beer, malt liquor or ale, and including half pints or less of spirits, along with other items. Applicant is authorized to sell, give, offer, expose for sale or deliver beer, malt liquor or ale with a capacity of 70 ounces or less and to sell spirits including half pints or less. Any change from this model shall be considered by both Parties to be a substantial change in operation of great concern to residents and requires prior approval by the ABC Board.
3. The Applicant and the ANC agree with the Council's aim to curtail public drunkenness, antisocial behavior, and public urination; they also agree that some products that would be affected by the single sales ban are generally not associated with unsocial behavior. This agreement is an application to waive the single sales ban to allow the Applicant to sell products of a high quality that do not impact negatively the quality of life in the

neighborhood.

4. **Time limit to Agreement.** After one year from the effective date of the law, the ANC may petition the Board to no longer allow the Applicant to sell beer, malt liquor or ale with a capacity of 70 ounces or less and half pints or spirits. The Board shall hold a hearing with both the ANC and the licensee to consider ANC 6C's request.

ADVISORY NEIGHBORHOOD COMMISSION 6C

KAREN WIRT
By: Printed Name

Karen J. Wirt
Signature

4.2.09
Date

APPLICANT:

Schneider's of Capitol Hill
Establishment's Name

Jon Genderson / VP
By: Printed Name/ Title

Jon Genderson
Signature

3/30/09
Date