

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

<b>In the Matter of:</b>	)	
	)	
Morini DC, LLC	)	
t/a Osteria Morini/Nicoletta	)	
	)	
Applicant for a New	)	
Retailer's Class CR License	)	License No. ABRA-092083
	)	Order No. 2013-322
at premises	)	
301 Water Street, S.E.	)	
Washington, D.C. 20003	)	

Morini DC, LLC, t/a Osteria Morini/Nicoletta (Applicant)

Andrew Litsky, Chairperson, Advisory Neighborhood Commission (ANC) 6D

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

**ORDER ON SETTLEMENT AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Morini DC, LLC, t/a Osteria Morini/Nicoletta, Applicant for a new Retailer's Class CR license, located at 301 Water Street, S.E., Washington, D.C., and ANC 6D have entered into a Settlement Agreement (Agreement), dated June 10, 2013, 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 and Chairperson Andrew Litsky, on behalf of ANC 6D, are signatories to the Agreement.

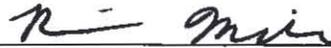
**Morini DC, LLC**  
**t/a Osteria Morini/Nicoletta**  
**License No. ABRA-092083**  
**Page 2**

Accordingly, it is this 26<sup>th</sup> day of June, 2013, **ORDERED** that:

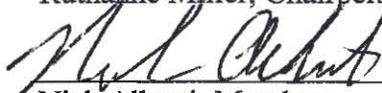
1. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
2. Copies of this Order shall be sent to the Applicant and ANC 6D.

**Morini DC, LLC**  
**t/a Osteria Morini/Nicoletta**  
**License No. ABRA-092083**  
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District of Columbia  
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



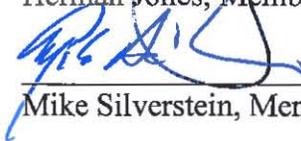
Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member



Mike Silverstein, 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.

## SETTLEMENT AGREEMENT

This Settlement Agreement is made on this 10<sup>th</sup> day of June, 2013, by and between Morini DC, LLC ("the Licensee"), and Advisory Neighborhood Commission 6D ("the ANC").

### WITNESSETH

WHEREAS, the Licensee's application for a Class CR Alcoholic Beverage Control (ABC) license for premises 301 Water Street, SE is pending before the District of Columbia ABC Board; and,

WHEREAS, said premises is within the jurisdictional boundaries of the ANC; and,

WHEREAS, the parties desire into this Settlement Agreement in order to reflect their understandings regarding certain aspects of the Licensee's operations;

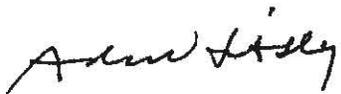
NOW, THEREFORE, in consideration of the recitals set forth above and the terms and conditions provided below, the parties agree as follows:

1. The Licensee shall operate a full-service, sit down restaurant with outdoor summer garden seating and an accessory kiosk. The Licensee's interior seating shall not exceed 165 and interior occupancy shall not exceed 264. Summer garden seating (immediately adjacent to the dining room and at the kiosk) shall not exceed 136. Interior hours of operation may commence as early as 8:00am daily and shall terminate no later than 2:00am Sundays-Thursdays and 3:00am on Fridays and Saturdays. Summer garden hours of operation may commence as early as 8:00 am daily and shall terminate no later than 1:00am Sundays-Thursdays and 2:00am Fridays and Saturdays.; Provided that: (a) on days designated by the DC ABC Board as "Holiday Extension of Hours" applicant may avail itself of the extended hours so provided; (b) in the event the Council of the District of Columbia or the ABC Board grants licensees in general extended operating hours (such as for Inauguration) applicant may avail itself of such extended hours; and (c) on January 1 of each year applicant may operate until 4:00a.m. Consistent with Alcoholic Beverage Control Board interpretations, "closing hours" shall be construed as the hours at which no patrons shall remain on the premises.
  
2. The Licensee will offer predominantly background music for dining, but may offer live entertainment no more than twelve (12) times per year. The Licensee shall not provide facilities for dancing and will not collect a cover charge. No live entertainment will be offered on the exterior summer gardens.

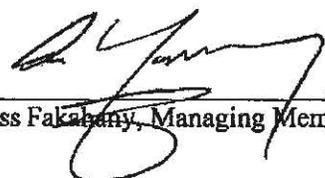
3. Commercially-reasonable sound attenuation methods will be utilized in the renovation of the premises so as to impede the projection of sound to the public streets or nearby residential premises. The Licensee's operations shall at all times be in compliance with the D.C. Noise Control Act and DC Code 25-725. Licensee will encourage employees and patrons to be considerate of residents in the neighborhood after departing the building, by keeping conversations and other noises at a level that will not disturb the peace, order, quiet and tranquility of residents in the enjoyment of their homes and by departing the vicinity of the premises immediately upon exiting.
4. The Licensee will participate in the building's trash removal and storage program. Trash and dumpster areas maintained by the Licensee shall be kept clean. The Licensee shall enclose its dumpsters and keep dumpster lids tightly closed and incapable of being entered by rodents, in order to limit odors and help control pest and rodent population. Licensee will provide for the proper (recyclable) removal of grease and oils and will not deposit these substances for removal in dumpsters or trash cans. Licensee will contract for regular rodent and pest (insect) abatement.
5. To maintain the peace, order and quiet of the surrounding neighborhood, Licensee shall receive all deliveries of food, beverages and supplies during hours between 7:00 am and 7:00 pm Mondays - Saturdays. No deliveries, excepting fresh bread products, shall be accepted on Sundays.
6. The Licensee shall undertake reasonable measures to ensure that alcoholic beverages are not served to minors. The Licensee's management and bartending staff shall be certified in recognized alcohol awareness programs (such as "TIPS" or "TAM").
7. The Licensee shall maintain video camera coverage of the exterior of its Premises. Surveillance footage shall be preserved for a minimum of thirty (30) days before erasure.
8. In the event of perceived violations of the foregoing provisions by Licensee, the ANC shall provide written notice of such to the Licensee. If the Licensee fails to respond adequately to any notice of perceived violation within ten (10) days of receipt, the ANC may petition the ABC Board, pursuant to DC Code 25-446(e) for issuance of a notice to show cause in order to enforce the provisions of this Agreement.
9. The Licensee acknowledges that the ANC is relying on the foregoing commitments in determining either to not protest the pending license application or to withdraw such protest as may heretofore have been filed with the ABC Board. The parties jointly request that this Agreement be incorporated into the ABC Board's order approving the pending license application.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

ADVISORY NEIGHBORHOOD COMMISSION 6D

By:  6/10/13  
Andrew Litsky, Chairman

MORINI DC, LLC

By:   
Ahmass Fakahany, Managing Member



***Near Southeast/Southwest***  
Advisory Neighborhood Commission 6D

1101 Fourth Street, SW  
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Washington, DC 20024  
202.554.1795  
Email: [office@anc6d.org](mailto:office@anc6d.org)  
Website: [www.anc6d.org](http://www.anc6d.org)

June 12, 2013

Ruthanne Miller, Chair  
Alcoholic Beverage Control Board  
2000 14<sup>th</sup> Street NW, Suite 400S  
Washington, DC 20009

**OFFICERS**

Chairman  
*Andy Litsky*  
Vice Chairman  
*Ed Kaminski*  
Secretary  
*Donna Hopkins*  
Treasurer  
Ron McBee

VIA E-MAIL: [sarah.fashbaugh@dc.gov](mailto:sarah.fashbaugh@dc.gov)

RE: ABRA-092083, Osteria Morini/Nicoletta, 301 Water Street SW, New License

Dear Ms. Miller:

**COMMISSIONERS**

SMD 1 *Donna Hopkins*  
SMD 2 *Ed Kaminski*  
SMD 3 *Ron McBee*  
SMD 4 *Andy Litsky*  
SMD 5 *Roger Moffatt*  
SMD 6 *Rhonda Hamilton*  
SMD 7 *David Garber*

At its regularly called, properly noticed meeting on June 10, 2013, with a quorum present, Advisory Neighborhood Commission (ANC) 6D voted 7-0 to support the above-referenced request provided that the Alcoholic Beverage Control (ABC) Board approve the enclosed Settlement Agreement, which was negotiated by both parties, and to protest the above-referenced request based on its impact on peace, order, and quiet should the ABC Board not accept the Settlement Agreement as negotiated.

Should you have any questions, please feel free to contact me or Susan Eads Role, ANC 6D's Executive Director.

Sincerely,

Andy Litsky  
Chairman, ANC 6D  
Southwest & Near SE