

AGREEMENT

Made this 2 day of November, 1999, by and between San Marzano, LLC ("the Applicant"), t/a San Marzano, and Advisory Neighborhood Commission ("ANC") 2E ("the ANC").

WITNESSETH

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control (ABC) Board is the Applicant's application for transfer of a Retailer's Class CR license to 3282 M Street, N.W. (ABC Application No. 50033); and,

WHEREAS, the parties desire to enter into an agreement commemorating certain understandings regarding the applicant's operational plans;

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

1. In recognition of the value that Georgetown's historic and aesthetic character brings to business operations and residents alike, the Applicant agrees to maintain the licensed property in full compliance with the decisions of the Old Georgetown Board, the Commission of Fine Arts, and the Historic Preservation Review Board.
2. The Applicant agrees to introduce no new neon signs either in its windows or visible from the opposite side of the facing street.
3. The Applicant agrees to keep from the windows of the premises all promotional signs (excepting menu displays), banners, inflatable devices, and such other items, other than those specifically tied to a seasonal sale or celebration; these seasonal items shall be on display for no more than 30 days.

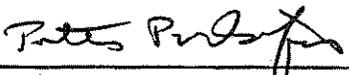
4. The Applicant agrees that external seasonal decorations (such as holiday lights in the Christmas/Hanukkah tradition) shall be utilized for no more than eight weeks.
5. The Applicant agrees that, out of regard for the health of employees, patrons, and the citizens of the community, all applicable regulations regarding waste, sanitation, litter, and vector control shall specifically be complied with.
6. The Applicant agrees that no use of public space shall be initiated without specific application to and approval by the Public Space Committee of the Department of Public Works; any subsequent use of public space shall be strictly in conformity with DPW standards.
7. In consideration of, and in reliance upon, the commitments reflected in paragraphs 1 through 6 above, the ANC shall refrain from filing a protest of Applicant's pending license application, conditioned upon incorporation of the terms of this Agreement in the Board's order approving said application, as provided at 23 DCMR §1513.3.
8. The parties further agree that any failure of applicant to adhere to the foregoing commitments will constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 DCMR § 1513.5. Prior to filing of any such petition, however, the ANC shall provide Applicant ten (10) days prior written notice of the perceived violation, in order to afford Applicant opportunity to cure such violation.

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

SAN MARZANO, LLC

By:   
DAN JONES  
BUSINESS OPERATIONS MGR.

ADVISORY NEIGHBORHOOD  
COMMISSION

By:   
Chairperson

991119016

App No 50033

LAW OFFICES  
**O'BRIEN & LONG**  
Suite 208  
2600 VIRGINIA AVENUE, N.W.  
WASHINGTON, D.C. 20037

STEPHEN J. O'BRIEN  
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MICHAEL D. FONSECA

(202) 625-7700

1999 NOV 17  
FACSIMILE  
(202) 625-7706  
PM 2:51

November 17, 1999

Alcoholic Beverage Control Board  
941 N. Capitol Street, N.E.  
Seventh Floor  
Washington, D.C. 20002

Attn: ~~Laura Byrd~~

Re: Application No. 50033,  
San Marzano, LLC, applicant for  
transfer of a Retailer's License  
Class CR to premises 3282 M  
Street, N.W.

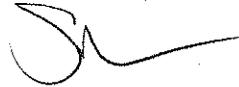
Dear Members of the Board:

We are pleased to enclose the original November 2, 1999 Agreement between the applicant and Advisory Neighborhood Commission (ANC) 2E.

The applicant and the ANC jointly request, pursuant to 23 DCMR §1513.5, that the terms of this Agreement be incorporated into the text of the Board's order approving this application.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to be 'SJO'Brien', with a long horizontal flourish extending to the right.

Stephen J. O'Brien

Enclosure

cc: Arthur J. Shultz, III  
Dan Jones

991119005

App No 57033

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
**Advisory Neighborhood Commission 2E**

3265 S Street, NW - Washington, DC 20007  
Phone: 202-338-7427 FAX: 202-338-0279

1999 NOV 19 AM 11:02

November 8 1999

Alcoholic Beverage Control Board  
614 H Street, NW  
Room 807  
Washington, DC 20001

**C/R licenses, San Marzano Restaruant, and Prospect Pastry and Pizza**

Dear Members of the Board:

At its regularly scheduled, duly noticed public meeting on November 2, 1999, with a quorum present, the ANC 2E voted unanimously to pass the following motion:

ANC 2E supports the ABC applications of San Marzano and Prospect Pastry and Pizza provided that each restaurants voluntary agreement , as presented, is incorporated within each and runs with each license and the applicators stated occupancy and fixed hours of operation.

Enclosed are the voluntary agreements.

Sincerely,



Peter Pulsifer  
Chair

**BURLEITH/FOXHALL-MACARTHUR/GEORGETOWN/HILLANDALE**

**COMMISSIONERS:**

Scott Polk, District 1 Fran Goldstein, District 2 Peter Pulsifer, District 3 Barbara Zartman, District 4  
Matt Payne, District 5 Jonda McFarlane, District 6 Art Schultz, District 7 Mark Ryan, District 8