

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

| | | |
|----------------------------------|---|-------------------------|
| <hr/> |) | |
| In the Matter of: |) | |
| |) | |
| Trattoria Alberto, Inc. |) | |
| t/a Trattoria Alberto |) | |
| |) | |
| Holder of a |) | License No. ABRA-008946 |
| Retailer's Class CR License |) | Order No. 2016-168 |
| |) | |
| at premises |) | |
| 504 8 th Street, S.E. |) | |
| Washington, D.C. 20003 |) | |
| <hr/> |) | |

Trattoria Alberto, Inc., t/a Trattoria Alberto (Licensee)

Kirsten Oldenburg, Chairperson, Advisory Neighborhood Commission (ANC) 6B

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthannè Miller, Member
James Short, Member

ORDER ON SETTLEMENT AGREEMENT

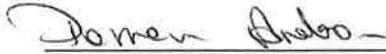
The official records of the Alcoholic Beverage Control Board (Board) reflect that Trattoria Alberto, Inc., t/a Trattoria Alberto (Licensee), and ANC 6B have entered into a Settlement Agreement (Agreement), dated April 12, 2016, that governs the operation of the Licensee's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Kirsten Oldenburg, on behalf of ANC 6B, are signatories to the Agreement.

Accordingly, it is this 20th day of April, 2016, **ORDERED** that:

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

District of Columbia
Alcoholic Beverage Control Board

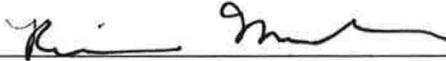


Donovan Anderson, Chairperson



Nick Alberti, Member

Mike Silverstein, Member



Ruthanne Miller, Member



James Short, Member

Pursuant to D.C. Official Code § 25-433(d)(1), 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 14th Street, N.W., Suite 400S, Washington, DC 20009.

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, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) 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) (2004).

SETTLEMENT (COOPERATIVE) AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is made on this 5th day of April, 2016, by and between Trattoria Alberto Inc. t/a Trattoria Alberto ("Applicant"), and Advisory Neighborhood Commission 6B, (Collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant's application for a liquor renewal for premises, 504 8th Street SE, Washington, DC, 20003, is now pending before the District of Columbia Alcohol Beverage Control Board (ABC); and,

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

WHEREAS, the Parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "C" Restaurant Liquor License at the subject premises; and,

WHEREAS, the Parties are desirous of entering into a Settlement Agreement pursuant to D.C. Official Code 25-446 for the operation and maintenance of the Establishment in such a manner as to promote the peace, order and quiet of the neighborhood. Both parties recognize the importance of business neighborhoods that are safe, clean, and "pedestrian friendly".

NOW, THEREFORE, 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 shall manage and operate at the address, a place that is regularly used for the sale and service of prepared food and alcoholic beverages.
3. ***Hours of Operation and Sales.*** The Applicant's hours of operation and sales/service shall be as follows:
 - i. Inside Operations and Sales
 1. Sunday through Saturday 11:30 a.m. – 11:00 p.m.
 - ii. Sidewalk Operation and Sales
 1. Sunday through Saturday 11:30 a.m. – 10:30 p.m.
4. ***Floors Utilized and Occupancy.*** The Applicant will operate its establishment according to the occupancy indicated on the Certificate of Occupancy issued by the Department of Consumer and Regulatory Affairs.

Space Management Branch Certification. Applicant will direct that its employees inspect the sidewalk café on a regular basis to ensure its cleanliness.

6. **Noise and Privacy.** Applicant will strictly comply with D.C. Official Code 25-725 and to that end shall make architectural improvement to the property and take all necessary actions to ensure that music, noise and vibration from the establishment are not audible outside the establishment at any time. Applicant agrees to keep its doors and windows closed when music is being played at the establishment. If necessary, Applicant will take reasonable steps to reduce noise emanating from the establishment from the opening of the entry or exit doors.
7. **Public Space and Trash.** Applicant shall keep the sidewalk (up to and including the curb), clean and free of litter, bottles, and other debris in compliance with D.C. Code and Municipal Regulations. Applicant will police these areas sufficiently to assure that refuse and other materials are promptly removed. Any A-frame ("sandwich board") or other type advertising must have a Public Space Permit and be kept off the pedestrian portion of the sidewalk. Applicant will ensure timely disposal of trash that is the least disruptive to the neighbors. Commercial trash pickup in residential areas takes place between 7:00 a.m.-7:00 p.m.
8. **Rats and Vermin Control.** The Applicant shall provide rat and vermin control for its property. Applicant shall have the Establishment and the area around the Premises properly cleaned at the end of each night to ensure that there are garbage and odors present the following morning.
9. **Security and Cooperation in Stemming Illegal Drugs and Public Drinking.** Applicant agrees that it shall take all necessary steps to minimize such problems, including, without limitation, designating a sufficient number of employees to assure adequate security and to control unruly patrons, whether inside or in the immediate outside area; monitoring for and prohibiting sales or the use of illegal drugs within or about the Premises, maintaining contact and cooperating with MPD and other enforcement officials when known or suspected drug activities occur. Applicant shall to the full extent permissible by law discourage loitering in the vicinity of the Premises. This will include providing an appropriate number of security officers, at all times when the Establishment is open to the public, who shall be responsible for ensuring that any individuals who are simply loitering are asked to move along.
10. **Compliance with ABRA Regulations.** Applicant promises that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licenses.

IN WITNESS WHEREOF, the parties have affixed hereunto their signature,

Applicant: *Trattoria Alberto Inc.*
t/a Trattoria Alberto
ABRA-008946
504 8th Street SE
Washington, DC 20003


Ramon Buruca, President
202-544-1159
Date: 4/6/16

ANC: Advisory Neighborhood Commission
921 Pennsylvania Ave. SE
Washington, DC 20003
~~202-543-3344~~

By: 
Title: Chair
Date: 4-12-16


ANC 6B
Capitol Hill / Southeast

April 13, 2016

921 Pennsylvania Avenue SE
Washington, DC 20003-2141
6B@anc.dc.gov
202-546-8542

Donovan Anderson, Chair
Alcoholic Beverage Control Board
2000 14th Street NW, Suite 400S
Washington, DC 20009

OFFICERS

Chair
Kirsten Oldenburg

Vice-Chair
Nick Burger

Secretary
Daniel Chao

Treasurer
Diane Hoskins

Parliamentarian
Denise Krepp

VIA E-MAIL: abra.legal@dc.gov

RE: ABRA-008946, Trattoria Alberto, 504 8th Street SE, renewal of Class C
Restaurant license

Dear Mr. Anderson:

At its regularly scheduled, properly noticed meeting on April 12, 2016, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 9-0-0 to support the above-referenced ABC license renewal.

For your review and approval, please find attached a Settlement Amendment, which was executed by both parties.

Please contact Commissioner Chander Jayaraman, ANC 6B's Alcohol Beverage Control Committee Chair, at 202-546-2609 or chander6b08@anc6b.org if you have questions or need further information. Thank you.

COMMISSIONERS
SMD 1 *Jennifer Samolyk*
SMD 2 *Diane Hoskins*
SMD 3 *James Loots*
SMD 4 *Kirsten Oldenburg*
SMD 5 *Steve Hagedorn*
SMD 6 *Nick Burger*
SMD 7 *Daniel Chao*
SMD 8 *Chander Jayaraman*
SMD 9 *Daniel Ridge*
SMD 10 *Denise Krepp*

Sincerely,


Kirsten Oldenburg
Chair

Attachment

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

| | | |
|-----------------------------|---|-------------------------|
| In the Matter of: |) | |
| |) | |
| Trattoria Alberto, Inc. |) | |
| t/a Trattoria Alberto |) | |
| |) | |
| Holder of a |) | |
| Retailer's Class CR License |) | License No. ABRA-008946 |
| |) | Order No. 2014-012 |
| at premises |) | |
| 504 8th Street, S.E. |) | |
| Washington, D.C. 20003 |) | |

Trattoria Alberto, Inc., t/a Trattoria Alberto (Licensee)

Brian Flahaven, Chairperson, Advisory Neighborhood Commission (ANC) 6B

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

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Trattoria Alberto, Inc., t/a Trattoria Alberto, (Licensee), and ANC 6B have entered into a Settlement Agreement (Agreement), dated April 5, 2013, that governs the operation of the Licensee's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Brian Flahaven, on behalf of ANC 6B, are signatories to the Agreement.

Accordingly, it is this 8th day of January, 2014, **ORDERED** that:

1. The above-referenced Settlement Agreement submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modifications:

Section 2 (Nature of the Business) – The first sentence shall be modified to read as follows: “The Applicant shall manage and operate at the address, a place that is regularly used for the sale and service of prepared food and alcoholic beverages.”

Section 8 (Rats and Vermin Control) – The following sentence shall be removed: “Applicant shall provide proof of its rat and vermin control contract upon the request.”

The parties have agreed to these modifications.

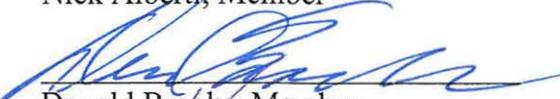
2. Copies of this Order shall be sent to the Licensee and ANC 6B.

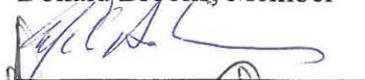
Trattoria Alberto, Inc.
t/a Trattoria Alberto
License No. ABRA-008946
Page 3

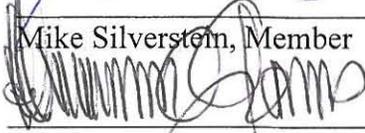
District of Columbia
Alcoholic Beverage Control Board


Ruthanne Miller, Chairperson


Nick Alberti, Member


Donald Brooks, Member


Mike Silverstein, Member


Herman Jones, 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 14th Street, N.W., Suite 400S, Washington, DC 20009.

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 D.C. Official Code § 25-433, 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).

SETTLEMENT (COOPERATIVE) AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is made on this ____ day of April, 2013, by and between Trattoria Alberto Inc. t/a Trattoria Alberto ("Applicant"), and Advisory Neighborhood Commission 6B, (Collectively, the "Parties").

W I T N E S S E T H

WHEREAS, Applicant's application for a license renewal for premises, 504 8th Street SE, Washington, DC, 20003, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC, and,

WHEREAS, the Parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "C" Restaurant Liquor License at the subject premises; and,

WHEREAS, the Parties are desirous of entering into a Settlement Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to promote the peace, order and quiet of the neighborhood. Both parties recognize the importance of business neighborhoods that are safe, clean, and "pedestrian friendly".

NOW, THEREFORE, 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 CR license at the listed address. The license shall have limited indoor seating of 87 patrons and outside (sidewalk) seating of 16 patrons.
3. ***Hours of Operation and Sales.*** The Applicant's hours of operation and sales/service shall be as follows:
 - i. Inside Operations and Sales
 1. Sunday through Saturday 11:30 a.m. – 11:00 p.m.
 - ii. Sidewalk Operations and Sales
 1. Sunday through Saturday 11:30 – 10:30 p.m.
2. ***Floors Utilized and Occupancy.*** The Applicant will operate its establishment according to the occupancy indicated on the Certificate of Occupancy issued by the Department of Consumer and Regulatory Affairs.

3. **Sidewalk Café.** Applicant will operate its sidewalk café in accordance with the Public Space Management Branch Certification. Applicant will direct that its employees inspect the sidewalk café on a regular basis to ensure its cleanliness.
 4. **Noise and Privacy.** Applicant will strictly comply with D.C. Official Code § 25-725 and to that end shall make architectural improvements to the property and take all necessary actions to ensure that music, noise and vibration from the Establishment are not audible outside the establishment at any time. Applicant agrees to keep its doors and windows closed when music is being played at the establishment. If necessary, Applicant will take reasonable steps to reduce noise emanating from the Establishment from the opening of the entry or exit doors.
 5. **Public Space and Trash.** Applicant shall keep the sidewalk (up to and including the curb), clean and free of litter, bottles, and other debris in compliance with D.C. Code and Municipal Regulations. Applicant shall police these areas sufficiently to assure that refuse and other materials are promptly removed. Any A-frame ("sandwich board") or other type advertising must have a Public Space Permit and be kept off the pedestrian portion of the sidewalk. Applicant will ensure timely disposal of trash that is the least disruptive to the neighbors. Commercial trash pickup in residential areas takes place between 7:00 a.m.-7:00 p.m.
 6. **Rats and Vermin Control.** The Applicant shall provide rat and vermin control for its property. Applicant shall provide proof of its rat and vermin control contract upon the request of the ANC. Applicant shall have the Establishment and the area around the Premises properly cleaned at the end of each night to ensure that there are no garbage and odors present the following morning.
 7. **Security Cooperation in Stemming Illegal Drugs and Public Drinking.** Applicant agrees that it shall take all necessary steps to minimize such problems, including, without limitation, designating a sufficient number of employees to assure adequate security and to control unruly patrons, whether inside or in the immediate outside area; monitoring for and prohibiting sales or use of illegal drugs within or about the Premises, maintaining contact and cooperating with MPD and other enforcement officials when known or suspected drug activities occur. Applicant shall to the full extent permissible by law discourage loitering in the vicinity of the Premises. This will include providing an appropriate number of security officers, at all times when the Establishment is open to the public, who shall be responsible for ensuring that any individuals who are simply loitering are asked to move along.
 8. **Compliance with ABRA Regulations.** Applicant promises that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licensees.
- IN WITNESS WHEREOF, the parties have affixed hereunto their signature.

Applicant: *Trattoria Alberto Inc.*
t/a Trattoria Alberto
ABRA-008946
504 8th Street SE
Washington, DC 20003



Ramon Buruca, President
202-544-2007

Date: 4-5-13

ANC: Advisory Neighborhood Commission
921 Pennsylvania Ave, SE
Washington, DC 20003
Brian Flahaven, Chairperson
(202) 543-3344
Fax (202) 543-3507



Date: 4/12/13