

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

<b>In the Matter of:</b>	)	
Bivco, Inc.	)	
t/a Banana Cafe And Piano Bar	)	
Applicant for Renewal of a	)	License No. 026006
Retailer's Class CR License	)	Order No. 2010-450
at premises	)	
500 8 <sup>th</sup> Street, S.E.	)	
Washington, D.C. 20003	)	

Bivco, Inc., t/a Banana Cafe And Piano Bar, Applicant

Dave Garrison, Chairperson, Advisory Neighborhood Commission (ANC) 6B

**BEFORE:** Charles Brodsky, Chairperson  
Mital M. Gandhi, Member  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member  
Calvin Nophlin, Member  
Mike Silverstein, Member

**ORDER ON VOLUNTARY AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Bivco, Inc., t/a Banana Cafe And Piano Bar, Applicant for Renewal of a Retailer's Class CR License located at 500 8<sup>th</sup> Street, S.E., and Chairperson Dave Garrison, on behalf of ANC 6B, have entered into a Voluntary Agreement (Agreement) dated August 4, 2010, that govern 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 Dave Garrison, on behalf of ANC 2B, are signatories to the Agreement.

**Bivco, Inc.**  
**t/a Banana Cafe And Piano Bar**  
**License No. 026006**  
**Page 2**

Accordingly, it is this 8th day of September 2010, **ORDERED** that:

1. The Application filed by Bivco, Inc., t/a Banana Cafe And Piano Bar, for renewal of a Retailer's Class CR License located at 500 8<sup>th</sup> Street, S.E., Washington, D.C., is **GRANTED**;
2. The above-referenced Voluntary Agreement submitted by the Parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
3. Copies of this Order shall be sent to the Applicant and ANC 6B.

**Bivco, Inc.**  
**t/a Banana Cafe And Piano Bar**  
**License No. 026006**  
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District of Columbia  
Alcoholic Beverage Control Board

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Charles Brodsky, Chairperson



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Mital M. Gandhi, Member



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Nick Alberti, Member



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Donald Brooks, Member



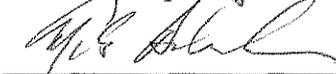
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Herman Jones, Member



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Calvin Nophlin, Member



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Mike Silverstein, 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, 1250 U Street, N.W., Third Floor, Washington, DC 20009.

## VOLUNTARY (COOPERATIVE) AGREEMENT

THIS VOLUNTARY AGREEMENT (“Agreement”) is made on this 4th day of August, 2010, by and between Bivco, Inc., t/a Banana Café and Piano Bar (“Applicant”), and Advisory Neighborhood Commission 6B, Collectively, the “Parties”).

### WITNESSETH

WHEREAS, Applicant’s application for issuance of a substantial change to existing Retailers’ Class “CR” license for premises, 500 8<sup>th</sup> Street, S.E. Washington, DC, 20003, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and, the Applicant’s license is being renewed, and

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

WHEREAS, the Parties desire to enter into an agreement governing a substantial change regarding the Retailers’ Class “CR” License at the subject premises; and,

WHEREAS, the Parties are desirous of entering into a Voluntary Agreement pursuant to D.C. Official Code § 25-446 for the continued 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 Retailer Class CR license under the following:
  - a. Applicant agrees to sound proof the upstairs Piano Bar so that the music and patrons voices heard outside the premises will strictly comply with D.C. Official Code § 25-725. Applicant also agrees not to allow the windows to be opened during the hours that the Piano Bar space is in operation.
  - b. Applicant agrees to assure that all Piano Bar patrons exit the premises through the door on 8<sup>th</sup> Street SE. To this end, applicant agrees to turn the current side door on E Street into an emergency only door.
3. ***Hours of Operation and Sales.*** The Applicant’s hours of operation shall be as follows:

**Restaurant (inside)**

Monday through Thursday—8am to 12am

Friday and Saturday—8am to 1am

Sunday—10am to 12am

**Sidewalk Café**

Monday through Thursday—8am to 11:30 pm

Friday and Saturday—8am to 1am

Sunday—8am to 11:30 pm

**Piano Bar (Entertainment Endorsement)**

Monday through Thursday—6pm to 12am

Friday and Saturday—6pm to 1am

Sunday—6pm to 12am

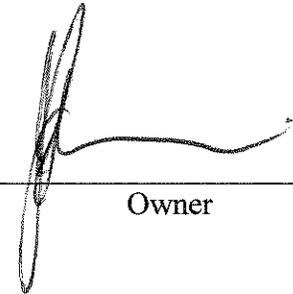
4. ***Sidewalk Café.*** Applicant will provide sidewalk café seating for 32 patrons. Applicant agrees that it shall not seek to expand the capacity of the sidewalk café without amendment of this Agreement.
5. ***Noise and Privacy.*** Applicant will strictly comply with D.C. Official Code § 25-725 and 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 within the adjacent residential properties. Applicant agrees to keep its doors and windows closed when live 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), tree box(es), curb, and alley 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. The Applicant agrees to maintain the dumpster at the side of the the building. Applicant shall ensure that the area around the dumpster is kept clean at all times and the dumpster is placed such that it does not encroach on the abutting property owners and so that no garbage is placed on the abutting property. Applicant will ensure timely disposal that is the least disruptive to the neighbors. Applicant shall have the Establishment and the area around the Premises properly cleaned at the end of each night to ensure that garbage and odors are not present the following morning.
8. ***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 Board.
9. ***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 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.

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.

Applicant: Bivco, Inc.  
Banana Café and Piano Bar  
500 8<sup>th</sup> Street, S.E.  
Washington, DC 20003  
Attn: Jorge A. Garcia-Meitin  
(202)  
Fax (202)

Date: 8/10/12

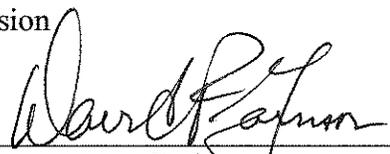


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Owner

ANC: Advisory Neighborhood Commission  
921 Pennsylvania Avenue, SE  
Washington, DC 20003  
Attn: Dave Garrison  
(202) 543.3344  
Fax (202) 543.3507

Date: 8/12/10



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Chairperson

# ANC 6B

*Capitol Hill / Southeast*

DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE  
ADMINISTRATIVE REGISTRATION

2010 AUG 19 A 10:38

(FCID BY \_\_\_\_\_)

703 D Street, SE  
Washington, DC 20003  
202.543.3344  
FAX 202.543.3507

August 10, 2010

## OFFICERS

Chairperson  
*David Garrison*  
Vice Chairperson  
*Ken Jarboe*  
Secretary  
*Kirsten Oldenburg*  
Treasurer  
*Carol Green*  
Parliamentarian  
*Neil Glick*

Charles Brodsky, Chair  
ABC Board  
C/o Martha Jenkins  
1250 U Street, NW, 3<sup>rd</sup> Floor  
Washington, DC 20001

**RE: Banana Café and Piano Bar  
Voluntary Agreement  
License # ABRA-26006  
500 8<sup>th</sup> Street, SE**

## COMMISSIONERS

SMD 1 *David Garrison*  
SMD 2 *Mary Wright*  
SMD 3 *Norman Metzger*  
SMD 4 *Kirsten Oldenburg*  
SMD 5 *Kenan Jarboe*  
SMD 6 *Will Hill*  
SMD 7 *Carol Green*  
SMD 8 *Neil Glick*  
SMD 9 *Michael Patterson*  
SMD 10 *Francis Campbell*  
SMD 11 *Vacant*

Dear Mr. Brodsky,

On Wednesday, June 2, 2010, the Board reviewed the Voluntary Agreement for Banana Café and Piano Bar, and referred it to the Office of General Counsel. The Board requested several amendments and/or omissions to the Voluntary Agreement before it would be approved.

To this end, ANC 6B has complied as instructed and made the various amendments and omissions. Please find enclosed the Voluntary Agreement that has been fully executed by both the Banana Café and Piano Bar, and ANC 6B for your review and approval.

Please let me know if you have any questions or require additional information.

Sincerely,



David F. Garrison  
Chair, ANC 6B

Enclosure: Voluntary Agreement