

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

_____))
In the Matter of:))
))
Am & Eve Corporation))
t/a Capitol Lounge (The)))
))
Holder of a))
Retailer's Class CT License))
))
at premises))
229 Pennsylvania Avenue, S.E.))
Washington, D.C. 20003))
_____)

License No. ABRA-023601
Order No. 2011-016

Am & Eve Corporation, t/a Capitol Lounge (The) ("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 Am & Eve Corporation, t/a Capitol Lounge (The) ("Applicant") and Chairperson Dave Garrison, on behalf of ANC 6B, entered into a Voluntary Agreement (Agreement) dated December 15, 2010, 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 Dave Garrison, on behalf of ANC 6B, are signatories to the Agreement.

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Accordingly, it is this 12th day of January 2011, **ORDERED** that:

1. The above-referenced Voluntary Agreements submitted by the Applicant and ANC 6B to govern the operations of the Applicant's establishment are **APPROVED** and **INCORPORATED** as part of this Order; and
2. Copies of this Order shall be sent to the Applicant and ANC 6B.

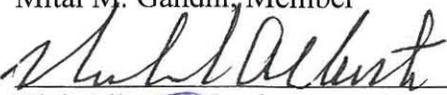
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District of Columbia
Alcoholic Beverage Control Board

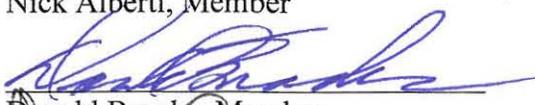


Charles Brodsky, Chairperson

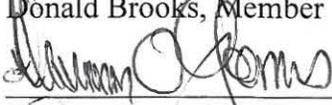
Mital M. Gandhi, Member



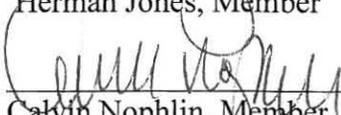
Nick Alberti, Member



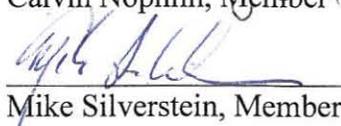
Donald Brooks, Member



Herman Jones, Member



Calvin Nophlin, Member



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 AGREEMENT

THIS VOLUNTARY AGREEMENT is made on this 15th day of December, 2010 by and between AM & Eve Corporation. t/a Capitol Lounge, Applicant, and Advisory Neighborhood Commission 6B.

W I T N E S S E T H

WHEREAS, Applicant's license renewal for premises, 229 Pennsylvania Ave 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 "CT" Restaurant Liquor License with an entertainment endorsement 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 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 CT license at the listed address in accordance with the terms of its license.
3. ***Hours of Operation and Sales.*** The Applicant's hours of operation shall be as follows:

Sunday	10:00 am - 2:00 am
Monday – Thursday	11:00 am - 2:00 am
Friday	11:00 am - 3:00 am
Saturday	10:00 am - 3:00 am

Hours of Entertainment:

Saturday	9:00 pm -- 2:30 am
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4. ***Sidewalk Café.*** Applicant will provide a sidewalk café with seating for 14 patrons. Applicant agrees that it shall not seek to expand the capacity of the sidewalk café without amendment of this Agreement. The sidewalk café must maintain proper spacing (10 feet from the curb and 6 feet from the treebox to allow for adequate pedestrian passage on the sidewalk.
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 noise and vibration from the Establishment are not audible outside the establishment at any time.

6. **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. 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 that no garbage is placed on the abutting property. Commercial trash pick up in residential areas will only take place between 7 a.m.-7 p.m.
7. **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. Applicant shall have the Establishment and the area around the Premises properly cleaned at the end of each night to ensure no garbage and odors are present the following morning.
8. **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.

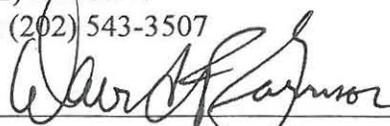
IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.

Applicant: Am & Eve Corporation
t/a Capitol Lounge (The)
229 Pennsylvania Avenue, SE
Washington, DC 20003
Joe Englert
202-258-0356



(Signature)

ANC: Advisory Neighborhood Commission
703 D Street, SE
Washington, DC 20003
Dave Garrison, Chairperson
(202) 543-3344
Fax (202) 543-3507



(Signature)