

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

In the Matter of:)	
Zest Bistro, Inc.)	
t/a Zest Bistro)	
Holder of a)	License No. ABRA-082432
Retailer's Class CR License)	Order No. 2011-420
at premises)	
735 8 th Street, S.E.)	
Washington, D.C. 20003)	

Zest Bistro, Inc., t/a Zest Bistro (Licensee)

Neil Glick, Chairperson, Advisory Neighborhood Commission (ANC) 6B

BEFORE: Nick Alberti, Interim Chairperson
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 Zest Bistro, Inc., t/a Zest Bistro, holder of a Retailer's Class CR License, located at 735 8th Street, S.E., Washington, D.C., and ANC 6B have entered into a Voluntary Agreement (Agreement), dated September 13, 2011, that governs the operation of the Applicant's establishment.

The official records of the Board reflect that the Parties have agreed to allow the Licensee to extend its hours of operation.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Neil Glick, on behalf of ANC 6B, are signatories to the Agreement. This Agreement replaces the previous Voluntary Agreements.

Zest Bistro, Inc.
t/a Zest Bistro
License No. ABRA-082432
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Accordingly, it is this 5th day of October 2011, **ORDERED** that:

1. The above-referenced Voluntary Agreement submitted by the Licensee and ANC 6B to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED**, except for the following modification:

Section 8 (Rats and Vermin Control) – The second sentence in Section 8 shall be modified to read as follows: “Applicant shall provide proof of its rat and vermin control contract upon request of the Board.”

The parties have agreed to this modification.

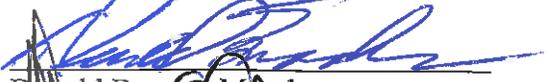
2. Copies of this Order shall be sent to the Licensee and ANC 6B.

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District of Columbia
Alcoholic Beverage Control Board



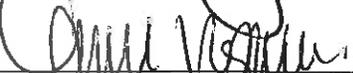
Nick Alberti, Interim Chairperson



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, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.



SEP 20 12 49 PM '11
[Handwritten signature]

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

September 14, 2011

OFFICERS

Chairperson
Neil Glick
Vice Chairperson
Ivan Frishberg
Secretary
Jared Critchfield
Treasurer
Carol Green
Parliamentarian
Brian Flahaven

Nick Alberti, Interim Chair
Alcoholic Beverage Regulation Administration
C/o Martha Jenkins
2000 14th Street, NW
Suite 400-S
Washington, DC 20009

RE: Zest Bistro ⁰⁸²⁴³²
License # ABRA-78828
Substantial Change

COMMISSIONERS

SMD 1 *David Garrison*
SMD 2 *Ivan Frishberg*
SMD 3 *Norman Metzger*
SMD 4 *Kirsten Oldenburg*
SMD 5 *Brian Pate*
SMD 6 *Jared Critchfield*
SMD 7 *Carol Green*
SMD 8 *Neil Glick*
SMD 9 *Brian Flahaven*
SMD 10 *Francis Campbell*
SMD 11 *Vacant*

Dear Mr. Alberti:

At a regularly called and properly noticed (via postings at Southeast Library, Eastern Market, ANC 6B website, and ANC 6B's constituents emailing list) meeting on September 13, 2011, with a quorum present (6 being a quorum), ANC 6B voted 9-0 to support the above referenced application for Zest Bistro, located at 735 8th St., SE, to make substantial changes to their CR Class liquor license by extending their hours.

Please find enclosed the revised Cooperative (Voluntary) Agreement that has been executed by Zest Bistro and ANC 6B for your review and approval.

If you need further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Neil Glick".

Neil Glick
Chair, ANC 6B

VOLUNTARY AGREEMENT

THIS VOLUNTARY AGREEMENT is made on this 13th day of September, 2011 by and between Zest Bistro, Inc., ta Zest Bistro, Applicant, and Advisory Neighborhood Commission 6B.

WITNESSETH

WHEREAS, Applicant's substantial change to license # ABRA – 082432 for premises, 735 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 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 CR license with an entertainment endorsement at the listed address. The license covers only the main floor. There will be no cover charge, but it may be included in the check. Entertainment is designed to enhance the dining experience only and in no way will be allowed to morph into a nightclub.
3. ***Hours of Operation and Sales.*** The Applicant's hours of operation shall be as follows:

Sunday through Thursday 10:00 a.m. – 2:00 a.m.
Friday and Saturday 10:00 a.m. – 3:00 a.m.

Service will be provided at the sidewalk café:
Sunday through Wednesday 10:00 a.m. - 11:00 p.m.
Thursday through Saturday 10:00 a.m. - 12:00 a.m.

Entertainment Hours.

Entertainment is designed to enhance the dining experience only and in no way is to be allowed to morph into a nightclub.

Monday through Thursday 7:30 PM – Midnight

Friday and Saturday 7:30 PM – 1:00 AM

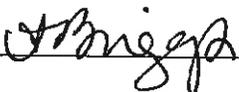
Sunday (brunch) 11:00 AM – 3:00 PM

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 on the first floor and sidewalk café.
5. **Sidewalk Café.** Applicant provides a sidewalk café with seating for 24 patrons. Applicant agrees that it shall not seek to expand the capacity of the sidewalk café without amendment of this Agreement. 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 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.
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. 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. Applicant will ensure timely disposal that is the least disruptive to the neighbors. Commercial trash pick up in residential areas takes place between 7 a.m.-9 p.m.
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 Protestants. Applicant shall have the Establishment and the area around the Premises properly cleaned at the end of each night to ensure that there are not garbage and odors present the following morning.
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 or about the Premises, maintaining

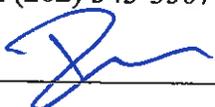
contact and cooperating with MPD and other enforcement officials when known or suspected drug activities occur. Applicant shall to the full extent permissible by law discourage loitering in the vicinity of the Premises. This will include providing an appropriate number of security officers, at all times 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: Zest Bistro, Inc
725 8th Street, SE
Washington, DC 20003
Attn: Amanda Briggs
202-486-7246

 _____ (Signature)

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

 _____ (Signature)