

8933

VOLUNTARY AGREEMENT

Made this 29th day of May 2002 by and between Armand's Chicago Pizzeria, Inc. (the Applicant) and Advisory Neighborhood Commission 3F, North Cleveland Park and Forest Hills (the ANC).

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board (ABC), is the Applicant's application to renew a Class CR license for its premises at 4231 Wisconsin Avenue, NW, ABC application # 8933; and

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

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

1. Applicant shall operate a *bona fide* restaurant on its premises.
2. The restaurant shall have a maximum of 160 seats for the exclusive use of dining patrons. Alcoholic beverages will be served primarily in conjunction with full meal service.
3. The bar/lounge area will have a maximum of 15 seats for the primary use of patrons waiting for dining service, patrons waiting for other patrons, and patrons waiting for carry-out food service.
4. The Applicant's hours of operation shall be
8am to 12 midnight, Sunday through Thursday; and
8am to 1:30 am, Friday and Saturday.
5. Applicant shall comply with all aspects of the Civil Infractions Act and the Litter Control Administration Act. Applicant shall make every effort to keep the establishment's immediate surroundings litter-free. Any alleged violations left uncorrected may be referred by the ANC to the appropriate agency.
6. Applicant will allow trash pickup only between the hours of 8:00 am and 6:00 pm.
7. Applicant will care for the public spaces that border the restaurant on Wisconsin Avenue and Veazey Street, including provision of suitable plantings.
8. An ABC licensed manager, conversant with all aspects of this agreement, shall be on site at Applicant's premises during all hours of operation.

9. Any and all contemplated changes to Applicant's operation, as set forth herein, will be brought to the attention of the ANC prior to implementation and will be implemented only after ANC approval, and when required by rules and regulations, ABC Board approval.
10. In consideration of, and in reliance upon, the commitments reflected in paragraphs 1-8 preceding, the ANC will advise the ABC Board that it has no objection to Applicant's pending license application.
11. The parties further agree that any failure of Applicant to adhere to the foregoing commitments would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 DCMR 1513.5, to gain the Applicant's compliance with the terms of this Agreement.

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

APPLICANT, ARMAND'S CHICAGO PIZZERIA, INC.

By: Ronald Newmyer
(Signature)

Name: Ronald Newmyer
(Print)

Title: V.P.

ADVISORY NEIGHBORHOOD COMMISSION 3F

By: Catherine J. Wies
(Signature)

Name: Catherine J. Wies
(Print)

Title: Chair, ANC 3F