

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

In the Matter of:)
)
BA Frontier, LLC)
t/a Bozzelli's Italian Deli)
)
Application for Substantial Change)
(Summer Garden))
Retailer's Class DR License)
)
at premises)
3000 K Street, NW)
Washington, D.C. 20007)
)

License No.: ABRA-118868
Order No.: 2023-395

BA Frontier, LLC, t/a Bozzelli's Italian Deli, Applicant

Mimsy Lindner, Commissioner, Advisory Neighborhood Commission (ANC) 2E

Tara Sakraida, President, Citizen Association of Georgetown (CAG)

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage and Cannabis Board (Board) reflect that BA Frontier, LLC, t/a Bozzelli's Italian Deli (Applicant), Applicant for a Substantial Change to add a Summer Garden to its Retailer's Class DR License, ANC 2E and CAG have entered into a Settlement Agreement (Agreement), dated June 19, 2023, that governs the operations of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant; Commissioner Mimsy Lindner, on behalf of ANC 2E; and Tara Sakraida, on behalf of CAG; are signatories to the Agreement.

Accordingly, it is this 26th day of July 2023, **ORDERED** that:

1. The Application filed by BA Frontier, LLC, t/a Bozzelli's Italian Deli, for a Substantial Change to add a Summer Garden to its Retailer's Class DR License, located at 3000 K Street, NW, Washington, D.C., is **GRANTED**;
2. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modifications:

Section 5(a) (Service Standards) – The following language shall be removed:
“...and serve safe regulations will be followed.”

Section 7 (Deliveries/Trash Pick Up/Removal and Snow Removal) – This Section shall be removed.

The parties have agreed to these modifications.

3. Copies of this Order shall be sent to the Parties.

District of Columbia
Alcoholic Beverage and Cannabis Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac43c99b20d5f09e42720000d1eccc8

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 147ae373f820d06ac8d1b332aa2943e2

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 256d3fca2f8e146d7f4b75bd7917c200

Bobby Cato, Member

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward S. Grandis, Member
Key: 5027bda7f0040ec14adeb52541ce5

Edward S. Grandis, 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 and Cannabis Administration, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section II 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).

Bozzelli's Italian Deli
3000 K Street NW

SETTLEMENT TERMS

The Settlement Agreement ("Agreement") is made on 19th day of June 2023 by and between Bozzelli's Italian Deli ("the Applicant") with Advisory Neighborhood Commission 2E (ANC2E) and the Citizens Association of Georgetown (CAG), also referred to collectively as the "Parties".

RECITALS

Whereas, the Applicant has applied to the Alcoholic Beverage and Cannabis Administration with License Number for ABRA-118868 for issuance of a Substantial Change to their license. The nature of the substantial change is a request for 12 garden seats, and an additional hour of service. The additional hour would be a change to 10:00 am from 11:00 am (new hours would be 10:00 am to 10:00pm, 7 days)

Whereas the Parties wish to enter into a Settlement Agreement pursuant to DC Official Code sec. 25-446 to address concerns related to peace, order, quiet and traffic/vehicular safety.

NOW, THEREFOR, in consideration of the recitals set forth above and the mutual covenants and conditions set forth below, the Parties agree as follows:

1) RECITALS INCORPORATED

The recitals set forth above are incorporated herein by reference.

2) NATURE OF OPERATIONS

a) Class D restaurant

3) OCCUPANCY

a) Inside: Maximum allowed by Certificate of Occupancy

b) Garden: 12-person seating

4) HOURS OF OPERATION

a) Inside dining: 10:00 am – 10:00 pm (7 days)

b) Garden Dining: 10:00 am - 10:00 pm (7 days)

5) SERVICE STANDARDS

a) All DC alcohol and serve safe regulations will be followed.

6) NOISE

a) No music played inside, either amplified or not amplified, coming from inside the Premises shall be audible outside the premises.

b) No music of any kind shall be played in the exterior garden.

7) DELIVERIES/TRASH PICK UP/REMOVAL and SNOW REMOVAL

Bozzelli's Italian Deli will continue to follow the rules set forth by MRP (Washington Harbour complex management) with regards to the above mentioned.

8) BINDING SETTLEMENT


a) The agreement shall be binding upon and enforceable against the license and any successors of the Applicant.

In consideration of the agreements set forth above, ANC2E and CAG shall, upon approval of the agreement by the Alcohol Beverage and Cannabis Administration, withdraw their protests of the application for the Substantial Change at the premises. Future failure of the applicant to adhere to the foregoing commitments would constitute grounds for any or all the Parties to petition ABRA for issuance of an order to show cause. Prior to petitioning, however, protestants shall notify the applicant of any perceived violations and afford Applicant at least ten (10) calendar days in which to address or rectify the perceived violation.


This written agreement constitutes the only agreement among the parties and may be modified only by the written agreement of all parties.

IN WITNESS WHEREOF, The Parties have executed this Agreement as of the date first above written.

BOZZELLI'S ITALIAN DELI
3000 K Street NW
Washington DC 20007

By  6.28.23
Mina Bozzelli, owner date

ADVISORY NEIGHBORHOOD COMMISSION 2E

By  6/26/2023
Mimsy Lindner, Commissioner ANC 2E05 date

CITIZENS ASSOCIATION OF GEORGETOWN

By  June 22, 2023
Tara Sakraida, President of CAG date