

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

<hr/>	)		
	)		
Big Cheese, LLC	)		
t/a Comet Pizza	)		
	)		
Application for a Retailer's Class CR	)	License no.:	74897
License –	)	Application no.:	61098
at premises	)	Order no.:	2006-135
5037 Connecticut Avenue, N.W.	)		
Washington, D.C.	)		
<hr/>	)		

Catherine Wiss, Chairman, on behalf of Advisory Neighborhood Commission 3F, and James Alefantis, President, on behalf of Big Cheese, LLC, Signatories

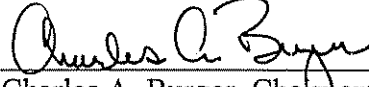
**BEFORE:** Charles A. Burger, Chairperson  
Vera M. Abbott, Member  
Judy A. Moy, Member  
Audrey E. Thompson, Member  
Peter B. Feather, Member  
Albert G. Lauber, Member  
Eartha Isaac, Member

**ORDER ON VOLUNTARY AGREEMENT**

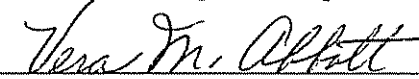
The official records of the Alcoholic Beverage Control Board ("Board") reflect that Catherine Wiss, Chairman, on behalf of Advisory Neighborhood Commission 3F, and James Alefantis, on behalf of Big Cheese, LLC, have reached a voluntary agreement, dated June 19, 2006, which has been reduced to writing and has been properly executed and filed with the Board. The Board is approving the agreement with the following change. The Board is amending provision 15 to read: "15. 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." Having determined that the June 19, 2006 agreement complies with all applicable laws and regulations, the Board does hereby, this 19<sup>th</sup> day of July, **APPROVE** the agreement and **INCORPORATE** the text of the same into this Order. Copies of this Order shall be sent to the Signatories to the agreement.

**Big Cheese, LLC**  
**t/a Comet Pizza**  
**License no. 74897**  
**Application no. 61098**  
**Page two**

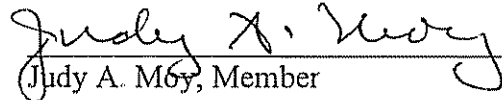
District of Columbia  
Alcoholic Beverage Control Board



Charles A. Burger, Chairperson

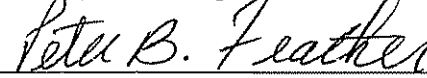


Vera M. Abbott, Member



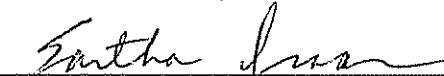
Judy A. Moby, Member

Audrey E. Thompson, Member



Peter B. Feather, Member

Albert G. Lauber, Member



Eartha Isaac, 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, 941 North Capitol Street, N.E., Suite 7200, Washington, D.C. 20002.

**ANC 3F RESOLUTION NOT OBJECTING TO  
ISSUANCE OF CLASS "CR" LIQUOR LICENSE  
FOR THE BIG CHEESE, LLC**

Advisory Neighborhood Commission 3F  
North Cleveland Park, Forest Hills, & Tenleytown  
4401A Connecticut Avenue, N.W., Box 244  
Washington, D.C. 20008-2322

**WHEREAS**, The Big Cheese, LLC, T/A Comet and located at 5037 Connecticut Avenue, N.W., has applied for a stipulated Class "CR" liquor license, Application # 61098, License #74897; and

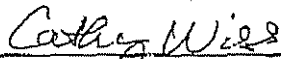
**WHEREAS**, this establishment is within the boundaries of ANC 3F; and


**WHEREAS**, both the Applicant and ANC 3F have agreed to and executed a Voluntary Agreement dated June 19, 2006, in contemplation of the issuance of this Class "CR" liquor license;

**THEREFORE, BE IT RESOLVED THAT**, ANC 3F does not object to the issuance of a stipulated Class "CR" liquor license for The Big Cheese, LLC. T/A Comet.

---

Approved by a vote of 6-0-1 at a duly noticed public meeting of ANC 3F on June 19, 2006, with a quorum present (a quorum being 4).

  
Cathy Wiss, Chair

  
Frank Winstead, Acting Secretary

## AGREEMENT

Made this 19th day of June 2006 by and between The Big Cheese, LLC, T/A Comet (the Applicant) and Advisory Neighborhood Commission 3F, North Cleveland Park, Forest Hills, and Tenleytown (the ANC).

WHEREAS, pending before the District of Columbia Alcoholic Beverage Regulation Administration, is the Applicant's application for a Retailer's Class "CR" liquor license for its premises at 5037 Connecticut Avenue, N.W., Application # 61098 and License #74897; and

WHEREAS, both Applicant and the ANC ("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 120 for the exclusive use of dining patrons, including up to 15 seats at the bar.
3. Applicant's hours of operation will be 10 a.m. to 12 midnight, Monday through Sunday.
4. Applicant shall offer food service to its patrons at all times it is open. At no time shall a patron be able to purchase an alcoholic beverage from the Applicant and not be able to purchase food from the Applicant.
5. Applicant plans to offer take-out food service, but will not offer delivery service and will not have delivery trucks. Applicant will not provide alcoholic beverages on a take-out basis.
6. Applicant shall respond to any complaint made by a resident in the immediate neighborhood within 48 hours.
7. Applicant shall not install or utilize any equipment for the showing of videos or video games or juke boxes.
8. Applicant shall not present any form of live entertainment and no form of recorded music other than soft background music for dining.
9. Applicant will post no signs advertising liquor sales, happy hours, or the like.
10. Applicant shall comply with all aspects of the Civil Infractions Act and the Litter Control Administration Act. Applicant shall ensure that its trash is removed in a timely manner. Applicant shall ensure that trash receptacles remain closed and free of vermin at all times. Applicant will limit noise after closing when disposing of trash and bottles in the receptacles.

11. Applicant shall maintain its ventilating system in proper working order at all times and shall immediately address any neighborhood concerns regarding odor.
12. Applicant shall be responsible for maintaining the public space bordering the restaurant.
13. Applicant shall comply with Section 5(d)(3) of the D.C. Noise Control Act as it pertains to businesses and ensure that noise from all mechanical equipment (air-conditioning, refrigerator, heat pump, fan, or other mechanical equipment regardless of location) shall be prohibited in excess of sixty (60)dB when measured at the property line or as close to the property line as is practical.
14. An ABC licensed manager, conversant with all aspects of this agreement, shall be on site at Applicant's premises during all hours of operation.
15. 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.
16. In consideration of and in reliance upon the commitments reflected in paragraphs 1-15 above, the ANC will advise the ABC Board that it does not oppose Applicant's pending application for Retailer's Class "CR" license.
17. 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 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, BIG CHEESE, LLC

By (signature):



Name (print name):

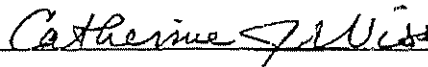
James Alefantis

Title (print title):

M.M. Big Cheese, LLC

ADVISORY NEIGHBORHOOD COMMISSION 3F

By (signature):



Name (print name):

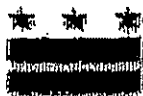
Catherine J. Wiss

Title (print title):

Chair, ANC 3F

Government of the District of Columbia  
**ADVISORY NEIGHBORHOOD COMMISSION 3F**  
*North Cleveland Park • Forest Hills • Tenleytown*

3F01 - Carl R. Kessler, Treasurer  
3F02 - Karen L. Perry  
3F03 - Robert V. Maudlin  
3F04 - Frank Winstead  
3F05 - Mital Gandhi  
3F06 - Catherine J. Wiss, Chair  
3F07 - Daniel Klbanoff, Vice Chair



PMB 244  
4401-A Connecticut Avenue, N.W.  
Washington, D.C. 20008-2322  
Web site: [www.anc3f.org](http://www.anc3f.org)  
E-mail: [ANC3F@juno.com](mailto:ANC3F@juno.com)  
Phone: 202.362.6120  
Fax: 202.686.7237

June 26, 2006

Sent Via Fax and Mail

Mr. Charles Burger, Chair  
Alcoholic Beverage Control Board  
Suite 7200  
941 North Capitol Street, NE  
Washington, D.C. 20002

Re: **Application # 61098, License No. 74897**  
**The Big Cheese, LLC t/a Comet**

Dear Mr. Burger:

At a duly-noticed public meeting on June 19, 2006, Advisory Neighborhood Commission 3F voted 6-0-1, with a quorum present (a quorum being four), not to object to a stipulated Class "CR" Retailer License for The Big Cheese, T/A Comet, at premises 5037 Connecticut Avenue, N.W., in ANC 3F05. Enclosed is ANC 3F Resolution 06-19 not objecting to issuance of this license and a voluntary agreement entered into between the applicant and ANC 3F.

Sincerely,

*Cathy Wiss*  
Cathy Wiss  
Chair, ANC 3F