

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

In the Matter of:

Axis Bar & Grill, LLC

t/a Axis

New Application for a Retailer's

Class CR License –

at premises

1340 U Street, N.W.

Washington, D.C.

) License no.: 75284

) Case no.: 61117-06/108P

) Order no.: 2006-231

Axis Bar & Grill, LLC, Applicant

Advisory Neighborhood Commission 1B

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ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST

The new application for a Retailer's Class "CR" License, having been protested, came before the Board on August 16, 2006, in accordance with D.C. Official Code § 25-601 (2001). Advisory Neighborhood Commission 1B filed timely opposition by letter on July 12, 2006.

The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the agreement, dated August 9, 2006, the Protestant has agreed to withdraw its protest, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

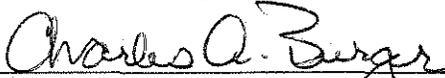
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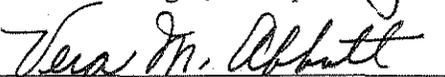
Accordingly, it is this 6th day of September 2006, **ORDERED** that:

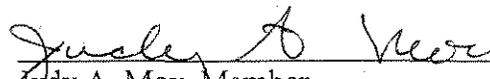
1. The protest of Advisory Neighborhood Commission 1B is **WITHDRAWN**;
2. The new application of Axis Bar & Grill, LLC, t/a Axis, for a Retailer's Class "CR" License at 1340 U Street, N.W., Washington, D.C., is **GRANTED**;
3. The above-referenced agreement is **INCORPORATED** as part of this Order;
and
4. Copies of this Order shall be sent to the Protestant and the Applicant.

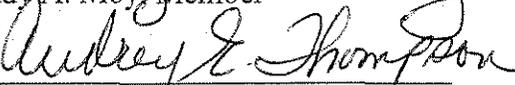
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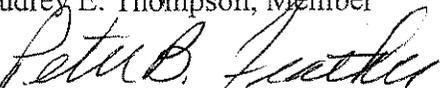
District of Columbia
Alcoholic Beverage Control Board


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

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.

VOLUNTARY AGREEMENT

This Voluntary Agreement (VA) made this 9th day of August, 2006, by and among Axis Bar and Grill (Applicant) and Advisory Neighborhood Commission 1B (Protestant).

RECITALS

Whereas, Applicant has applied for a CR restaurant license 75284 for premises located at 1340 U Street NW,

Whereas, Protestant has protested Applicant's application,

Whereas, the parties have agreed to enter into this voluntary agreement pursuant to DC Code Section 25-446 (2001 ed.), to resolve the issues raised by Protestants' objections, and to request that the Alcoholic Beverage Control (ABC) Board approve license 75284 conditioned on Applicant's compliance with the terms of this written agreement.

Now, therefore, in consideration of the recitals set forth above and the mutual covenants and conditions set forth below, the parties agree as follows:

1. Recital Incorporated. The recitals set forth above are incorporated herein by reference.
2. Hours when live bands and/or musicians, limited in all events to no more than six performers, shall be permitted:

Sunday through Thursday	6:00PM	to	1:30AM
Friday & Saturday	6:00PM	to	2:00AM
3. Disc Jockey entertainment shall be allowed up to six times per month, on Friday's or Saturdays.
4. Applicant acknowledges familiarity with and will comply with noise control provisions of District of Columbia law and regulations, including preventing emissions of sound, capable of being heard outside the premises, by any musical instrument or amplification device or source of sound or noise, in accordance with DCMR 905. No dancing is permitted. No music will be played or amplified to any outdoor area. The doors and windows of the premises will be kept closed at all times during business hours when music is being played, except when persons are in the act of using the door for ingress to or egress from premises. Applicant specifically agrees to prevent front entry door from being propped open during live performances. Applicant agrees to restrict all events to those run by the restaurant and will not contract the restaurant for any special events to be operated by outside promoters. Applicant will regulate volume of performance so as not to interfere with ability of abutting businesses to conduct normal business. Applicant agrees to installation of sufficient sound proofing if or when it is shown that emissions of amplified sounds are in violation of District of Columbia regulations.

5. Applicant shall maintain regular trash and recyclables service to assure that the trash holding area behind the property remains clean and secure. Applicant acknowledges the immediate proximity of residences to the south (rear) of location, and will both train staff and install signage for staff requiring that this area should be quiet after 10PM weekdays and 11PM on weekends. Dumping of trash and recycles will be coordinated so as not to disturb the peace and quiet of neighboring residents.

6. Applicant shall provide internal security during evening hours when either live music or dj performances occur. Applicant shall supply ABC Board with a description of businesses security plan to be placed in the ABRA files.

7. Notices. In the event of a violation of the provisions of this Agreement, Applicant shall be notified in writing of such violation. Notices shall be sent by first class mail postage prepaid, hand deliver or by recognized overnight delivery service as follows:

If to licensee: Siyamak Sadeghi
 Axis Bar and Grill
 1340 U Street NW
 Washington, DC 20009

If to protestant: ANC1B
 PO Box 73710
 Washington, DC 20056

Applicant may change the notice address listed above by written notice to the signatories hereto. Applicant shall provide a written response to any notification under this Agreement within five business days. Failure to give notice shall not constitute waiver or acquiescence to the violation, but notice shall be concurrent with the filing of a complaint with the ABC Board.

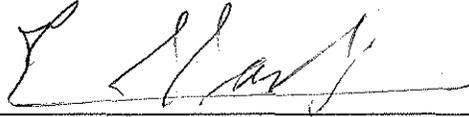
8. Withdrawal of protest. Protestant hereby withdraws its protest and joins with Applicant in requesting that the ABC Board accept this Agreement as a condition of approval of ABC license 75284.

9. Counterparts. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original and all of which, when taken together, constitute one and the same document. The signature of any party to any counterpart shall be deemed a signature and may be appended to any other counterpart.

10. Authority. Representatives executing this agreement on behalf of the respective parties do hereby affirm that they have the authority to do so.

In witness whereof, the parties have executed this Voluntary Agreement as of the day and date first above written.

Applicant

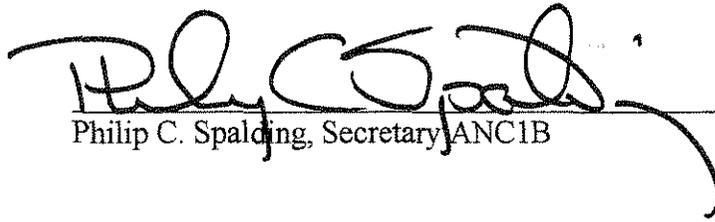


Siyamak Sadeghi, Axis Bar & Grill

Protestant



Deairich R. Hunter, Chairman ANC1B



Philip C. Spalding, Secretary ANC1B