

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

_____)
In the Matter of:)
)
The Hannibal Corporation)
t/a Meskerem Ethiopia Restaurant)
)
Holder of a) License No. ABRA-007916
Retailer's Class CR License) Order No. 2013-321
)
at premises)
2434 18th Street, N.W.)
Washington, D.C. 20009)
_____)

The Hannibal Corporation, t/a Meskerem Ethiopia Restaurant, Licensee

Denis James, President, Kalorama Citizens Association (KCA)

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Mike Silverstein, Member
Herman Jones, Member

**ORDER ON NEW SETTLEMENT AGREEMENT CONCERNING
SUBSTANTIAL CHANGE OF ABC LICENSE FOR SALE
OF ALCOHOLIC BEVERAGES**

The official records of the Alcoholic Beverage Control Board (Board) reflect that The Hannibal Corporation, t/a Meskerem Ethiopia Restaurant, (Licensee), and KCA have entered into a New Settlement Agreement Concerning Substantial Change of ABC License for Sale of Alcoholic Beverages (Agreement), dated May 6, 2013, that governs the operation of the Licensee's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Denis James, on behalf of Kalorama Citizens Association, are signatories to the Agreement.

Accordingly, it is this 26th day of June, 2013, **ORDERED** that:

1. The above-referenced New Settlement Agreement submitted by the parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modification:

Section 7(a) (Sidewalk Café) – The following sentence shall be modified to read as follows: “Applicant agrees that the sidewalk café on which it intends to sell, serve and provide for the consumption of alcoholic beverages shall allow for public passage along 18th Street, N.W., that is twelve feet in width between the edge of the sidewalk café and the curb line along 18th Street, N.W., in front of the establishment.”

The parties have agreed to this modification.

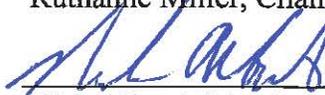
2. Copies of this Order shall be sent to the Licensee and KCA.

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District of Columbia
Alcoholic Beverage Control Board



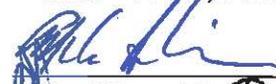
Ruthanne Miller, Chairperson



Nick Alberti, Member



Donald Brooks, Member



Mike Silverstein, Member



Herman Jones, Member

Pursuant to D.C. Official Code § 25-433, 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.

**NEW SETTLEMENT AGREEMENT CONCERNING SUBSTANTIAL
CHANGE OF ABC LICENSE FOR SALE OF ALCOHOLIC BEVERAGES**

AGREEMENT, made and entered into this 6th day of May, 2013, by and between the Hannibal Corporation, trading as Meskerem Ethiopian Restaurant (hereinafter the "Applicant"), and the Kalorama Citizens Association (hereinafter the "KCA"). Meskerem Ethiopian Restaurant and the KCA comprise the "Parties".

Whereas, Applicant desires to make changes to their operations and has filed an Application with the District of Columbia Alcoholic Beverage Control Board (hereinafter the "Board") to amend their existing restaurant license (CR-02, license number 007916) at 2434 18th Street, N.W., Washington DC 20009,

Whereas, the proposed establishment is located within KCA's boundaries and KCA has many members residing within the affected area,

Whereas, in recognition of the Board's policy of encouraging parties to settle their differences by reaching Settlement Agreements, the Parties hereto desire to enter into a new Settlement Agreement whereby (1) Applicant will agree to adopt certain measures to address the KCA's concerns and to include this Agreement as a formal condition of its Application, and (2) the KCA agrees to the changes to the license, provided that such Agreement is incorporated into the Board's order approving such renewal, which order is thereby conditioned upon compliance with such Agreement,

Whereas, Applicant has recently taken or intends to take certain measures designed to ameliorate the KCA's concerns,

Now, therefore, in consideration of the mutual covenants and undertakings memorialized herein, the Parties hereby agree as follows:

1. Applicant shall file an amended application with the Board that reflects, but does not exceed, the conditions described in this agreement.
2. The License shall be maintained as a CR (restaurant) license so long as the Applicant is the licensee. A transferee of the license shall not be restricted by this provision.
3. Applicant agrees to operate the establishment in a manner that will not disturb the peace, order and quiet of the neighborhood.
4. Hours of Operation:

Sunday: 9:00 am - 2 am
Monday-Thursday: 12:00 noon - 2 am
Friday: 12:00 noon - 3 am
Saturday: 9:00 am - 3 am

Applicant shall announce last call at 1:25 am Sunday-Thursday and no service of alcoholic beverages to patrons shall occur after 1:35 am.

Additionally, Applicant shall announce last call at 2:25 am Friday and Saturday and no service of alcoholic beverages to patrons shall occur after 2:35 am.

Consumption of alcoholic beverages may continue until the hours shown above in Provision 4.

5. Applicant shall not permit more than 183 persons inside the establishment. This provision shall not preclude an expansion and increase in occupancy subject to a substantial change request approved by the Board.
6. Entertainment.
 - a.) Applicant may feature:
Live Bands (Live Music); DJs; and Dancing during the hours of operation listed above and on New Year's Eve until 4 am.
 - b.) Whenever Entertainment occurs, Applicant shall offer food service to its patrons until:
Friday & Saturday: 2:00 am;
Thursday-Sunday: 1:00 am, or, one hour before the establishment will close on any given day of operation that features entertainment.
Entertainment will end 10 minutes before closing, each night of operation that it is featured.
 - c.) Whenever there is entertainment at Meskerem, the Applicant shall maintain complete control of the establishment. Entertainment presented at Meskerem shall be under the control of the members of the Hannibal Corporation, or an employee of Meskerem with an ABC Manager's license.
 - d.) Publicity for the entertainment at Meskerem shall not include the placement of flyers on vehicles, trees, lampposts or anywhere in the public space.
 - e.) Applicant shall not permit more than 83 persons in the basement of the establishment, and agrees to maintain tables, chairs and bar-stools in the basement to seat at least 30 patrons during times when entertainment is offered. Additionally, Applicant shall maintain at least 25 seats on the first floor and 25 seats on the mezzanine level during times that entertainment is offered.
7. Sidewalk Café.
 - a.) Applicant intends to apply for and operate a sidewalk café on public space in front of the restaurant. Applicant agrees that the size of the sidewalk café on which it intends to sell, serve and provide for the consumption of alcoholic beverages shall be in accordance with the resolution of the KCA on this matter. The resolution shall be attached at the back of this agreement.
 - b.) Regardless of any permissions granted by the Public Space Committee of the DC Department of Transportation, Applicant agrees that the starting hours of operation for the sidewalk cafe each day shall be those recited in provision 4 of this agreement, and that the closing hours of the sidewalk café shall be:

Monday-Thursday:	12:00 midnight
Friday, Saturday and Sunday, and DC and Federal Holidays:	1:00 am
8. Applicant shall maintain adequate trash and recycling pick-ups so that trash and recycling containers can remain firmly closed at all times.
9. Doors and windows of the establishment shall remain closed, except for normal ingress and egress, during the hours that the Entertainment described above is featured.
Applicant acknowledges familiarity with and will comply with all applicable noise-

**Resolution In Support of 12' Clear Passageway
In 18th St Streetscape Area Sidewalks**

Whereas, the 18th Street Streetscape Project is now nearing completion, bringing with it expanded sidewalk widths in the 2000-2400 blocks of 18th Street, NW and adjacent areas of Florida and U Street, and

Whereas, in October, 2011, ANC 1C in Adams Morgan, approved a resolution and transmitted it to the Public Space Committee of the DC Department of Transportation, requesting that no new or existing café be permitted that would reduce the clear passageway for pedestrians below 12' due to the heavy pedestrian traffic we have in Adams Morgan, and

Whereas, two establishments, Madams Organ, 2461 18th St., NW and Pi Pizzeria, 2409 18th St., NW applied for Cafes that would reduce the clear passageway to 10' or less, and

Whereas, for years Adams Morgan has suffered from crowded sidewalks, which MPD has even mentioned at community meetings as a reason for violent altercations, as bar and restaurant patrons and others jostled on the old narrow sidewalks, and there wasn't room for neighborhood residents to walk in their own neighborhood, and

Whereas, the project hasn't even been completed yet, the community hasn't even seen the finished result and local businesses are already applying to take the public space away, and thus the improvements that local residents fought for and helped pay for with their taxes.

Now therefore, the Kalorama Citizens Association hereby resolves to request that the Public Space Committee adhere to the request of the Adams Morgan ANC 1C and not grant any requests for sidewalk cafes that would reduce the free passageway below 12 feet in width from the edge of the sidewalk café to the curb or the nearest obstruction.

Resolution approved at the May 17, 2012 meeting of the Kalorama Citizens Association