

Parker

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

In the Matter of:)
)
Mon Cherie Café, Inc.)
t/a Au Pied Bistro)
)
Application for a Retailer's Class CR)
License – Renewal)
at premises)
2815 M Street, NW)
Washington, D.C.)
)

Application no.: 33819-04/075P
Order no.: 2005-38

Mon Cherie Café, Inc., Applicant

Tom Birch, Chairperson, on behalf of the Advisory Neighborhood Commission 2E

BEFORE: Charles A. Burger, Chairperson
Vera M. Abbott, Member
Judy 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ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST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 renewal application, having been protested, came before the Board on September 8, 2004, in accordance with D.C. Official Code § 25-601 (2001). Tom Birch, Chairperson, on behalf of the Advisory Neighborhood Commission 2E, filed timely opposition by letter dated June 30, 2004.

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 January 5, 2005, the Protestant has agreed to withdraw the 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.

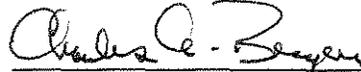
Mon Cherie Café, Inc.
t/a Au Pied Bistro
Case no. 33819-04/075P
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Accordingly, it is this 9th day of February 2005, **ORDERED** that:

1. The protest of Tom Birch, Chairperson, on behalf of the Advisory Neighborhood Commission 2E, is **WITHDRAWN**;
2. The application of Mon Cherie Café, Inc., t/a Au Pied Bistro for a Retailer's Class "CR" License (renewal) at 2815 M 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.

Mon Cherie Café, Inc.
t/a Au Pied Bistro
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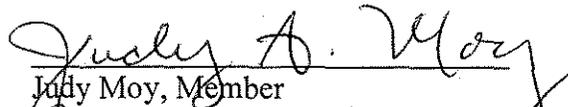
District of Columbia
Alcoholic Beverage Control Board



Charles A. Burger, Chairperson



Vera M. Abbott, Member



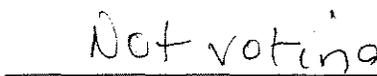
Judy Moy, Member



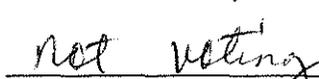
Audrey E. Thompson, Member



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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown and Hillandale

3265 S Street, NW • Washington, DC 20007

(202) 338-7427 • FAX (202) 338-0279 • anc2e@erols.com

THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE
TIGHT ADMINISTRATION

JAN 11 A 11:50

FLC

January 7, 2004

Mr. Charles Berger, Chair
Alcoholic Beverage Control Board
941 North Capitol Street, NE
Seventh Floor
Washington, DC 20002

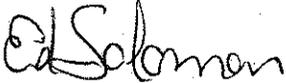
RE: Mon Cherie Café, t/a Au Pied Bistro, License No. 22959

Dear Mr. Chairman and Members of the Board:

Please find enclosed a Voluntary Agreement between the above-referenced establishment and ANC 2E dated January 5, 2005. At the ANC 2E public meeting held January 4th, which was properly noticed and attended by six of the seven commissioners, Commissioner Starrels outlined the conditions of the agreement and moved that the protest be lifted and that the ANC enter into the proposed voluntary agreement. The motion carried by a unanimous vote.

Thank you for your attention in this matter.

Sincerely,



Ed Solomon
Chair, ANC 2E

Enclosure

COMMISSIONERS:

Ed Solomon, District 1 John Lever, District 2 Bill Skelsey, District 3 Brett Clements, District 4
Bill Starrels, District 5 Pam Moore, District 6 Charles Eason, District 7

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AGREEMENT

THIS AGREEMENT ("Agreement") is made by Mon Cherie Cafe, a District of Columbia corporation, t/a Au Pied Bistro (the "Applicant") with Advisory Neighborhood Commission 2E ("the ANC").

WHEREAS, Applicant filed with the District of Columbia Alcoholic Beverage Control Board (the "Board") an application for a renewal of license, Class CR ("the Application"), located at 2815 M Street ("Premises"), License No. 22959, which is pending before the District of Columbia Alcoholic Beverage Control Board.

WHEREAS, the ANC represents the residents and taxpayers within the boundaries of ANC2E and wishes to insure that no establishment that sells alcoholic beverages will adversely affect the health, safety, and quality of life in the surrounding community; and

WHEREAS, in order to secure the ANC's approval, Applicant has agreed to enter into this voluntary Agreement commemorating certain understanding regarding the Applicant's operational plans;

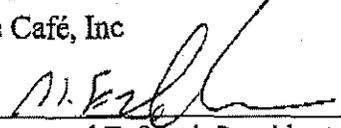
NOW, THEREFORE, in consideration of the agreements set forth herein, the parties hereto mutually agree as follows:

1. Occupancy and safety. The establishment shall have a maximum capacity established by its Certificate of Occupancy and shall comply therewith and shall not be exceeded. The Certificate of Occupancy shall be posted on the Premises in accordance with any and all regulations associated therewith. If Applicant desires to change the current occupancy, which on information and belief, is currently ninety-eight persons, Applicant will file notice of the desired change with ABRA, as well as provide the DCRA agency receiving the application for the change with a copy of the ABRA notification. The Applicant shall ensure that a clear passageway is maintained at all times for the safe egress of occupants in case of fire or other emergency.
2. Entertainment. The Applicant shall fully comply with any and all regulations related to dancing, entertainment, and promoters, including live or amplified music and cover charges. The Applicant may offer background-recorded music that shall be at levels which do not violate any noise ordinance or related regulations. Applicant shall not use outside promoters.
3. The parties agree that the above provisions are conditions of the license and any failure of the 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 D.C. regulations. Prior to so petitioning, however, the ANC shall notify the Applicant of any perceived violations and afford Applicant seven (7) calendar days in which to address or rectify the perceived violation.

4. This written agreement constitutes the entire and final agreement between the parties and may be modified only by written agreement executed by both parties.

Executed this 5 day of January, 2001. ^{5/15}_{P.M.}

APPLICANT
Mon Cherie Café, Inc

BY: 
Mohammad Esfahni, President

ADVISORY NEIGHBORHOOD COMMISSION 2E

BY: 
Bill Starrels, Vice-Chair, ANC 2E and Chairman, ABC Committee