

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

In the Matter of:)	
)	
GBGenesis, Inc.)	
t/a Cilantro Restaurant)	
)	
Application for a Retailer's Class CR)	
License (transfer to a new location))	Application no. 50245-03/068P
at premises)	2003-66
3241 M Street, N.W.)	
Washington, D.C.)	
)	

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

Dimitri P. Mallios, Esquire, on behalf of the Applicant

BEFORE: Charles Burger, Interim Chairperson
Vera Abbott, Member
Laurie Collins, Member
Judy Moy, Member
Ellen Opper-Weiner, Esquire, Member
Audrey Thompson, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST

The application, having been protested, came before the Board on July 30, 2003, in accordance with the D.C. Official Code Title 25, Section 601 (2000 Edition). Tom Birch, Chairman, on behalf of the Advisory Neighborhood Commission 2E, filed a timely protest letter dated July 11, 2003.

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 July 23, 2003, 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.

Accordingly, it is this 16th day of August 2003, **ORDERED** that:

GBGenesis, Inc.
t/a Cilantro
Case no. 50245-03/068P
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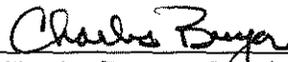
1. The protest of Tom Birch, Chairman, on behalf of the Advisory Neighborhood Commission 2E, is **WITHDRAWN**;

2. The application of GBGenesis, Inc. t/a Cilantro for a retailer's class CR license (transfer to a new location) at 3241 M Street, N.W., Washington, D.C. is **GRANTED**;

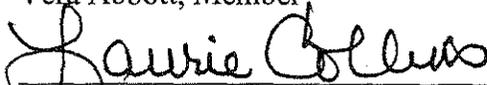
3. The above-referenced agreement is **INCORPORATED** as part of this Order; and

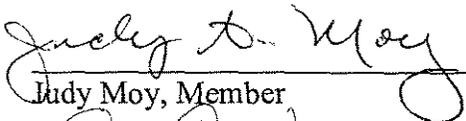
4. Copies of this Order shall be sent to the Protestant and the Attorney for the Applicant.

District of Columbia
Alcoholic Beverage Control Board


Charles Burger, Interim Chairperson


Vera Abbott, Member


Laurie Collins, Member


Judy Moy, Member


Ellen Opper-Weiner, Esquire, Member


Audrey E. Thompson, Member

AGREEMENT

THIS AGREEMENT ("Agreement ") is made by GBGogenesis, LLC, a Virginia LLC, t/a Cilantro Restaurant (the "Applicant") with Advisory Neighborhood Commission 2E ("the ANC") and the Citizens Association of Georgetown ("CAG").

WHEREAS, Applicant filed with the District of Columbia Alcoholic Beverage Control Board (the "Board") an application for a license, Class CR ("the Application"), for a new restaurant to be known as Cilantro Restaurant, located at 3241 M Street ("Premises"), Application #50245, 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 CAG represents the interests of citizens and residents of Georgetown and both wish 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, the Applicant is seeking written approval from the ANC and CAG of the Application; and

WHEREAS, in order to secure the ANC 's and CAG's written 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 of 125 persons. This limit shall be prominently posted and shall not be exceeded. 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. Hours of Operation. The hours of operation shall be from 11:30 a.m. to 1:00 a.m., Sunday through Thursday, and from 11:30 a.m. to 2:00 a.m., Friday and Saturday. The Applicant shall keep the kitchen open and have a full service menu until one hour before closing and have a limited food service until closing.
3. Entertainment. There shall be neither dancing nor entertainment; no live or amplified music indoors or out; and no cover charges or entrance fees. The Applicant may offer soft background recorded music conducive to a pleasant dining experience inside the Premises. There shall be no speakers placed outside. Music shall not be audible outside the premises.
4. Trash Removal. The Applicant shall never permit trash, garbage, or litter to be placed outside the premises in unprotected bags, cans, or containers and shall insure that all legal refuse containers are emptied by a professional garbage truck service at least twice a week. The Applicant shall ensure that no part of the premises harbors rats or other vermin, and shall notify the ANC and CAG if any harborage in neighboring properties is affecting the Applicant's operations. The applicant agrees to keep trash containers in good repair. Trash shall be fully contained with secured lids at all times.

5. Sanitation. In accordance with DCMR Title 23 (Food Regulations) Section 2208, all food waste (garbage) shall be disposed of via a food waste (garbage) grinder. Those items of garbage that cannot be readily ground, such as bones, shall be disposed of in a metal container with a tightly fitting lid.

6. The parties agree that the above provisions are conditions of the license and any failure of Applicant to adhere to the foregoing commitments would constitute grounds for either the ANC or CAG, or both, to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. §1513.5. Prior to so petitioning, however, the ANC or CAG, or both, shall notify the Applicant of any perceived violations and afford Applicant seven (7) calendar days in which to address or rectify the perceived violation.

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

Executed this 23rd day of July 2003.

APPLICANT
Cilantro Restaurant

BY: _____
Ghaleb Ghaleb



ADVISORY NEIGHBORHOOD COMMISSION 2E

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



CITIZENS ASSOCIATION OF GEORGETOWN

BY: _____
Raymond J. Kukulski, President

