THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:	)	
	)	
Acacia Skylan, Inc.	)	
t/a Acacia Wellness Bistro	)	
	)	
Holder of a	)	License No.: ABRA-080916
Retailer's Class CR License	)	Order No.: 2016-283
	)	
at premises	)	
4340 Connecticut Avenue, N.W.	)	
Washington, D.C. 20008	)	
	)	

Acacia Skylan, Inc., t/a Acacia Wellness Bistro (Licensee)

Malachy Nugent, Chairperson, Advisory Neighborhood Commission (ANC) 3F

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Acacia Skylan, Inc., t/a Acacia Wellness Bistro (Licensee), and ANC 3F have entered into a Settlement Agreement (Agreement), dated April 19, 2016, 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 Chairperson Malachy Nugent, on behalf of ANC 3F, are signatories to the Agreement.

Accordingly, it is this 11th day of May, 2016, **ORDERED** that:

1. The above-referenced 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 modifications:

   First Whereas paragraph – The following term shall be added after the word "wine": "and spirits."

   Section 15 – This Section shall be removed.

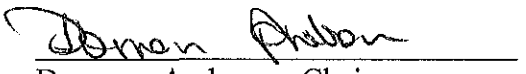
   Section 16 – This Section shall be modified to read as follows: "The parties further agree that any failure of the Applicant to adhere to the foregoing commitments will constitute grounds for the ANC to file a complaint with the ABC Board in accordance with D.C. Official Code § 25-447."

   The parties have agreed to these modifications.

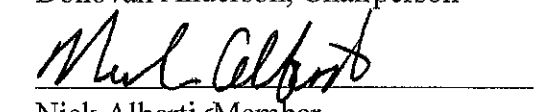
2. This Settlement Agreement replaces and supersedes previous Settlement Agreements between the parties; and

3. Copies of this Order shall be sent to the Licensee and ANC 3F.

District of Columbia
Alcoholic Beverage Control Board

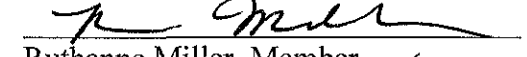


Donovan Anderson, Chairperson

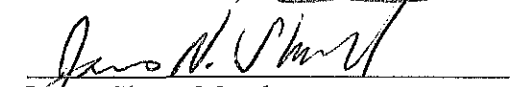


Nick Alberti, Member

Mike Silverstein, Member



Ruthanne Miller, Member



James Short, Member

Pursuant to D.C. Official Code § 25-433(d)(1), 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.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).

AGREEMENT

Made this 19th day of April 2016, by and between ACACIA SKYLAN, INC., *T/A* ACACIA WELLNESS BISTRO (the "applicant") and ADVISORY NEIGHBORHOOD COMMISSION 3F, North Cleveland Park, Forest Hills, and Tenleytown (the "ANC" or "ANC 3F").

WITNESSETH:

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control ("ABC") Board is Applicant's application for a Retailer's Class "C" beer and wine license for the premises known as 4340 Connecticut Avenue, N.W., License Number ABRA-080916; 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 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 50 seats inside and the summer garden shall have a maximum of 60 seats outside for the exclusive use of dining patrons. Alcoholic beverages will be served in conjunction with meal service.
3. The bar area shall be for the primary use of patrons waiting for dining service, patrons waiting to be joined by other patrons and patrons waiting for carryout food service.
4. Applicant's hours of operation will be 6:00 a.m. to 2:00 a.m. Monday through Friday, and 8:00 a.m. to 2:00 a.m. Saturday and Sunday. Service and/or consumption of alcoholic beverages shall be 11:00 a.m. to 2:00 a.m. Monday through Sunday.
5. 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. Applicant will not provide take-out alcoholic beverages.
6. Applicant plans to offer take-out food service, and might also offer delivery service.
7. Applicant shall be permitted to present a guitar player or other instruments and/or recorded music inside the restaurant during all hours of operation. No music shall be played in the summer garden after 12 midnight Monday through Sunday and only unamplified music will be played in the summer garden.
8. Applicant shall not install or utilize and equipment for the purposes of video games or for jukeboxes.
9. Applicant will post no signs on public space advertising liquor sales or happy hours.
10. Applicant will care for the public spaces that border the restaurant on Connecticut Avenue, including provision of suitable plantings.
11. 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.
12. Applicant shall maintain its ventilating system in proper working order at all times and shall immediately address any neighborhood concerns regarding odors.
13. The licensee shall extend best efforts to not produce any sound, noise, or music of such intensity that it may be unreasonably disturb occupants in any other premises other than the licensed establishment.
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 or otherwise, will be brought to the attention of the ANC prior to implementation, and only after ANC and, when required by rules and regulations, ABC Board approval.

15 In consideration of, and in reliance upon, the commitments reflected in paragraphs 1 through 14 above, the ANC will advise the ABC Board that it does not oppose Applicant's pending application for a Class "C" license.

16 The parties further agree that any failure of Applicant to adhere to the foregoing commitments will 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.

INWITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the year and day first above written.

APPLICANT, ACACIA SKYLAN, INC.
T/A ACACIA WELLNESS BISTRO

By: _____

Name: Uzay Tucker

Title: Pres. Lent

Advisory Neighborhood Commission

By: _____
Malachy Nugent, Chair

Name: MALACHY NUGENT
(Print)

THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:	)	
	)	
Acacia Skylan, Inc.	)	
t/a Acacia Wellness Bistro	)	
	)	
Application for a New	)	License No. 80916
Retailer's Class DR License	)	Order No. 2009-081
at premises	)	
	)	
4340 Connecticut Ave. N.W.	)	
Washington, D.C. 20008	)	
	)	

Acacia Skylan, Inc. t/a Acacia Wellness Bistro, Applicant

Jane Solomon, Chair, Advisory Neighborhood Commission 3F

BEFORE: Peter B. Feather, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Charles Brodsky, Member
Donald Brooks, Member
Herman Jones, Member

ORDER ON VOLUNTARY AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Acacia Skylan, Inc. t/a Acacia Wellness Bistro, Applicant for a new Retailer's Class DR license located at 4340 Connecticut Ave., N.W., Washington D.C., and Jane Solomon, Chair, Advisory Neighborhood Commission (ANC) 3F, (collectively, the Parties) have entered into a Voluntary Agreement (Agreement) dated January 26, 2009 setting forth the terms and conditions that govern the operation of the Applicant's establishment.

The Board is approving the Voluntary Agreement with the following changes. Section 12 regarding the ventilating system is deleted in its entirety and new language is inserted to read, "Applicant agrees to address neighborhood concerns regarding its operations". Section 15 is modified by deleting "only after ANC and," and inserting "seek" before "ABC Board approval." The Board notes that the Parties do not oppose these changes. The Agreement has been reduced to writing and has been properly executed and filed with the Board. Both the Applicant and Commissioner Solomon are signatories to the Agreement.

Accordingly, it is this 8th day of April 2009, **ORDERED** that:

1. The Application filed by Acacia Skylan, Inc. t/a Acacia Wellness Bistro for a new Retailer's Class DR license located at 4340 Connecticut Ave., N.W., Washington D.C., is **GRANTED**

2. This above-referenced Voluntary Agreement submitted by the Parties to govern the operations of the Applicant's establishment is **APPROVED** with the modifications set forth above and **INCORPORATED** as part of this Order; and

3. Copies of this Order shall be sent to the Applicant and to ANC 3F.

District of Columbia
Alcoholic Beverage Control Board

P.B. Feather

Peter B. Feather, Chairperson

Mital M. Gandhi, Member

Nick Alberti, Member

Charles Brodsky, Member

Donald Brooks, Member

Herman Jones, 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.

AGREEMENT

Made this 26th day of January 2009, by and between ACACIA SKYLAN, INC., T/A ACACIA WELLNESS BISTRO (the "applicant") and ADVISORY NEIGHBORHOOD COMMISSION 3F, North Cleveland Park, Forest Hills, and Tenleytown (the "ANC" or "ANC 3F").

WITNESSETH:

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control ("ABC") Board is Applicant's application for a Retailer's Class "D" beer and wine license for the premises known as 4340 Connecticut Avenue, N.W., License Number ABRA-080916; 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 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 50 seats inside and the summer garden shall have a maximum of 60 seats outside for the exclusive use of dining patrons. Alcoholic beverages will be served in conjunction with meal service.
3. The bar area shall be for the primary use of patrons waiting for dining service, patrons waiting to be joined by other patrons and patrons waiting for carryout food service.
4. Applicant's hours of operation will be 6:00 a.m. to 12:00 Midnight Monday through Friday, and 8:00 a.m. to 12 :00 Midnight Saturday and Sunday. Service and/or consumption of alcoholic beverages shall be 11:00 a.m. to 12:00 midnight Monday through Sunday.
5. 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. Applicant will not provide take-out alcoholic beverages.
6. Applicant plans to offer take-out food service, and might also offer delivery service.
7. Applicant shall be permitted to present a guitar player or other instruments and/or recorded music inside the restaurant as soft background music for dining; provided, however, that no doors to the exterior of the restaurant shall be propped open at any time when music is being played in the restaurant.
8. Applicant shall not install or utilize any equipment for the showing of videos or video games or jukeboxes.
9. Applicant will post no signs on public space advertising liquor sales or happy hours.
10. Applicant will care for the public spaces that border the restaurant on Connecticut Avenue, including provision of suitable plantings.
11. 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.
12. Applicant shall maintain its ventilating system in proper working order at all times and shall immediately address any neighborhood concerns regarding odors.
13. The licensee shall not produce any sound, noise, or music of such intensity that it may be heard in any other premises other than the licensed establishment.
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 or otherwise, will be brought to the attention of the ANC prior to implementation, and only after ANC and, when required by rules and regulations, ABC Board approval.
16. In consideration or, and in reliance upon, the commitments reflected in paragraphs 1 through 15 above, the ANC will advise the ABC Board that it does not oppose Applicant's pending application for a Class "D" license.
17. The parties further agree that any failure of Applicant to adhere to the foregoing commitments will 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, ACACIA SKYLAN, INC.
T/A ACACIA WELLNESS BISTRO

By: _____
Uzay Turker

Name: Uzay Turker
(Print)

Title: President

ADVISORY NEIGHBORHOOD
COMMISSION 3F

By: _____
Jane Solomon, Chair

Name: Jane Solomon
(Print)