

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

In the Matter of:)	
)	
Eurochef, LLC)	
t/a Belga Café)	
)	
Applicant for Substantial Change)	
(Summer Garden))	License No. ABRA-060779
Retailer's Class CR License)	Order No. 2015-327
)	
at premises)	
514 8 th Street, S.E.)	
Washington, D.C. 20003)	

Eurochef, LLC, t/a Belga Café (Licensee)

Kirsten Oldenburg, Chairperson, Advisory Neighborhood Commission (ANC) 6B

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member
Hector Rodriguez, Member
James Short, Member

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Eurochef, LLC, t/a Belga Café (Licensee), and ANC 6B have entered into a Settlement Agreement (Agreement), dated June 9, 2015, 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 Kirsten Oldenburg, on behalf of ANC 6B, are signatories to the Agreement.

Accordingly, it is this 8th day of July, 2015, **ORDERED** that:

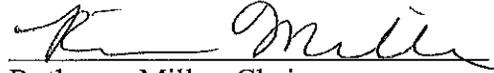
1. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modification:

Section 2 (Nature of Business) – The following language shall be removed: "...will not without the ANC 6B's agreement..."

The parties have agreed to this modification.

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 6B.

District of Columbia
Alcoholic Beverage Control Board



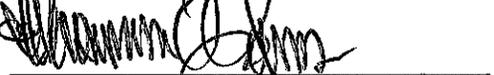
Ruthanne Miller, Chairperson



Nick Albert, Member



Donald Brooks, Member



Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, 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.

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).

SETTLEMENT AGREEMENT BY AND BETWEEN
ADVISORY NEIGHBORHOOD COMMISSION 6B
and
Eurochef, LLC
d/b/a Belga Café

Pursuant to this Settlement Agreement, ("Agreement"), by and between Eurochef, LLC (d/b/a Belga Café) ("Applicant") and Advisory Neighborhood Commission 6B ("ANC6B"), effective as of the date of its adoption by ANC6B, the parties hereto hereby agree to be legally bound by the terms and conditions of this Agreement, superseding and replacing all previous agreements with respect to Applicant as it relates to its Class "CR" License (ABRA-060779), with Sidewalk Cafe and, herewith, the addition of a Summer Garden endorsement ("License"), now pending before the District of Columbia Alcoholic Beverage Regulation Administration ("ABRA"), for conduct of business located at 514 8th Street SE, Washington DC 20003 ("Premises").

WHEREAS Applicant has applied before ABRA to effect, and is seeking its approval of the addition of a Summer Garden endorsement to its license for the Premises; and

WHEREAS Applicant and ANC6B wish to voluntarily and mutually memorialize the terms and conditions upon which ANC6B has agreed to support the Applicant's License, pursuant to the provisions of D.C. Code § 25-446, for the operation and maintenance of Applicant's business in such a manner as to further promote the security, sanitation, peace, order and quiet of the neighborhood in a manner that ANC6B deems to be in the best interests of the neighborhood; and

WHEREAS ANC6B hereby supports the Applicant's License upon the agreement of Applicant to execute and abide by the terms and conditions hereof;

It is THEREFORE AGREED AND RESOLVED as follows:

1. Recitals Incorporated. The recitals set forth above are incorporated herein by reference.
2. Nature of the Business. The Applicant will manage and operate its CR license at the Premises as a full-service restaurant located ("Establishment"). The Applicant currently seeks, and will not without the ANC6B's agreement seek to increase, total seating for 111 patrons (72 seating indoors), inclusive of sidewalk cafe seating (15 patrons) and the proposed summer garden seating (24 patrons). In no event shall Applicant operate or seek to operate the Establishment in excess of the maximum number of patrons that may lawfully occupy the Premises pursuant to its Certificate of Occupancy.
3. Hours of Operation and Sales. The Applicant's hours of operation and alcoholic beverage sales may be as follows inside the premises:

The Applicant's hours of Operation shall be as follows:

Sunday through Thursday: 8:00 a.m. – 2:00 a.m.
Friday and Saturday: 8:00 a.m. – 3:00 a.m.

The Applicant's sale of alcohol within and operation of the Sidewalk Cafe shall be as follows:

Sunday through Thursday: 10:00 a.m. - 12:00 midnight
Friday and Saturday: 10:00 a.m. – 1:00 a.m.

The Applicant's sale of alcohol within and operation of the Summer Garden shall be as follows:

Sunday through Thursday: 10:00 a.m. -12 midnight.
Friday and Saturday: 10:00 a.m. – 1:00 a.m.

Provided, however, (1) on days designated by the DC ABC Board as “extended Hours for ABC Establishments” Applicant may serve alcoholic beverages for one additional hour (that is, one hour later in the morning); (2) in the event the Council of the District of Columbia or the ABC Board grant licensees in general extended operating hours for particular events Applicant may avail itself of such extended hours; (3) on January 1 of each year Applicant may serve alcoholic beverages and provide entertainment until 4 am. These extended hours are for inside the establishment.

4. Requirements for Operation of Sidewalk Café. The Applicant shall operate its Sidewalk Café consistent with the terms and conditions of its Public Space Management Branch Certification for such space, and shall cause its employees to maintain the Sidewalk Café in a clean and orderly manner, and not to cause or permit storage of any refuse, foodstuffs, perishable or odiferous materials in or adjacent to the Sidewalk Café. The Applicant shall cause the area extending from the Sidewalk Cafe to the curb in front of the Establishment to be regularly swept and shall remove litter and debris on not less than a daily basis, weather permitting.

Requirements for Operation of Summer Garden. Applicant shall not use any lighting that will shine into the rear gardens and windows of residences that back into the alley.

5. Noise, Order and Privacy. Applicant shall strictly comply with provisions of D.C. Code § 25-725, and shall take all reasonable and prudent measures to reduce music or amplified sound emanating from the Premises so as to ensure such sound is not audible within any residential premises in proximity to the Establishment behind the Premises or beyond the adjacent street curbside in front of the Establishment beyond the level permissible under D.C. Code. Applicant specifically agrees that it shall adhere to and be accountable under the provisions of D.C. Code §25-725 as it pertains to residential dwellings located across the alley that face 9th Street SE and those along the 800 block of E Street SE. Applicant will take reasonable steps to reduce noise emanating from the Establishment from the opening and closing of entry or exit doors. The

Applicant will take all reasonable steps necessary to mitigate noise emanating from mechanical equipment associated with the Applicant's operations (e.g. air conditioning unit, grease fan) -- including installing sound-mitigating insulating material around the equipment, if necessary -- to comply with DCMR provisions, prevent an increase in existing sound level from such equipment, and minimize or abate noises objectionable to residential neighbors.

6. Refuse Storage and Disposal. Applicant shall use its best commercially reasonable efforts to maintain the area around any exterior recycling receptacles and any interior trash receptacles clean and free of debris, trash, liquids, or other foreign materials. Applicant shall ensure that the lids to any such receptacles are closed and secured as per their design at all times except when they are being filled or emptied. Any refuse that does not enable lids to be closed overnight shall be retained inside the premises. Applicant shall cause all receptacles to be emptied not less than 3 times each week, or such more frequent schedules as may be reasonably necessary to prevent the receptacles from exceeding their capacity. Applicant shall cause such receptacles to be maintained in good repair, safe and sanitary condition. Applicant shall ensure that all waste grease is placed in a secure and well-maintained container, and shall maintain that container whenever practicable inside the Premises. Applicant shall not dispose of glass bottles in such a manner between the hours of 10:00 p.m. and 8:00 a.m.

7. Sanitation and Pest Control. Applicant shall maintain in force a contract for regular and recurring application of a plan for pest control that includes baiting or similar rodent abatement procedures abutting the alley at the rear entrance to the Premises (including the trash storage room) and surrounding any refuse receptacles. Applicant shall regularly inspect and clean the area immediately adjacent to the rear of the Premises, abutting and including the immediate proximity of the public alley, to be cleaned of any cigarette butts, chewing gum, or other similar debris, and shall instruct its employees to not loiter in the adjacent alleyway or rear doorway to the Premises. Applicant shall cause the area behind the Establishment abutting and including the immediately surrounding public alley to be power-washed not less than once every week. Any leak or spillage of grease shall be promptly cleaned utilizing standard industry practices such as solvents and power washing for such uncontained grease, and any damaged or leaking containers shall be promptly repaired or replaced.

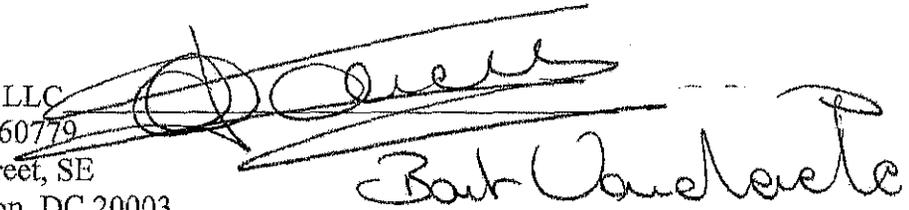
8. Compliance with ABRA Regulations. Applicant promises that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licenses.

9. Cancellation of Previous Agreements. Except as otherwise explicitly provided herein, this Agreement shall have full force effect and shall constitute the agreement between the parties. This agreement may only be modified by written agreement of all the parties or their successors, or otherwise in accordance with law. All other previous Voluntary or Settlement agreements are rendered null and void.

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.

Applicant:

Eurochef, LLC
ABRA# 060779
514 8th Street, SE
Washington, DC 20003
Phone: (202) 297 0849
Bart Vandaele
Owner

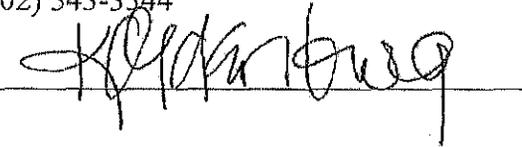


Signature: _____

Date: _____

ANC:

Advisory Neighborhood Commission 6B
921 Pennsylvania Avenue, SE
Washington, DC 20003
Kirsten Oldenburg, Chairperson
Phone: (202) 543-3344

Signature: 

Date: ~~6-15-~~
6-9-15

ANC 6B

Capitol Hill / Southeast

921 Pennsylvania Avenue SE
Washington, DC 20003-2141
office@anc6b.org
202-546-8542

June 9, 2015

Executive Director
Susan Eads Role

OFFICERS

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Kirsten Oldenburg

Vice-Chair
Brian Flahaven

Secretary
Daniel Chao

Treasurer
Diane Hoskins

Parliamentarian
Denise Krepp

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SMD 2 *Diane Hoskins*
SMD 3 *James Loots*
SMD 4 *Kirsten Oldenburg*
SMD 5 *Steve Hagedorn*
SMD 6 *Nick Burger*
SMD 7 *Daniel Chao*
SMD 8 *Chander Jayaraman*
SMD 9 *Brian Flahaven*
SMD 10 *Denise Krepp*

Ruthanne Miller, Chair
Alcoholic Beverage Control Board
2000 14th Street NW, Suite 400S
Washington, DC 20009

VIA E-MAIL: janea.raines@dc.gov

RE: ABRA-060779, Belga Cafe, 514 8th Street SE, substantial change

Dear Ms. Miller:

At its regularly called, properly noticed meeting on June 9, 2015, with a quorum present, Advisory Neighborhood Commission 6B (ANC 6B) voted 9-0 to support the above-referenced request and support the issuance of a stipulated license.

For your review and approval, please find enclosed a Settlement Amendment, which was executed by both parties.

Please contact Commissioner Chander Jayaraman, ANC 6B's Alcohol Beverage Control Committee Chair, at 202-546-2609 or chander6b08@anc6b.org if you have questions or need further information. Thank you.

Sincerely,



Kirsten Oldenburg
Chair

Enclosure