

The New Brookland Café, LLC
t/a B Cafe/Brookland Café
Case No. 12-PRO-00011
License No. ABRA-083121
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The official records of the Alcoholic Beverage Control Board (Board) reflect that the Applicant and the Group of Five or More Individuals have entered into a Voluntary Agreement (Agreement), dated April 3, 2012, that governs the operation of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Don Padou, on behalf of the Group of Five or More Individuals, are signatories to the Agreement.

This Agreement also constitutes a withdrawal of the Protest filed by the Group of Five or More Individuals of this Application and a withdrawal of the Petition for Judicial Review currently pending before the District of Columbia Court of Appeals.

Accordingly, it is this 25th day of April, 2012, **ORDERED** that:

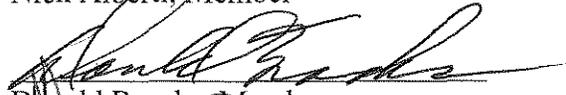
1. The Application filed by The New Brookland Café, LLC, t/a B Cafe/Brookland Café, for a Substantial Change to include an expansion with 30 additional seats inside, a new summer garden with 25 seats, and a new sidewalk café with 20 seats, to its Retailer's Class CR License, located at 3740 12th Street, N.E., Washington, D.C., is **GRANTED**;
2. The Protest of the Group of Five or More Individuals in this matter is hereby **DISMISSED**;
3. The above-referenced Voluntary Agreement, dated April 3, 2012, submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Applicant and Don Padou, on behalf of the Group of Five or More Individuals

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District of Columbia
Alcoholic Beverage Control Board



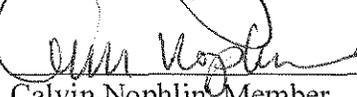
Nick Alberti, Member



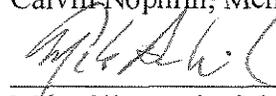
Donald Brooks, Member



Herman Jones, Member

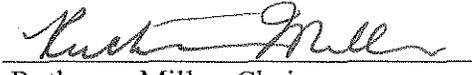


Calvin Nophlin, Member



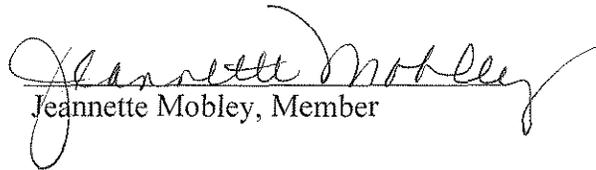
Mike Silverstein, Member

I dissent from the Board's decision.



Ruthanne Miller, Chairperson

I recuse myself from this matter.



Jeannette Mobley, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.

VOLUNTARY AGREEMENT

This agreement is between New Brookland Café LLC t/a B'Café ("Café") and the Protestants against the Café's application for a substantial change to its license.

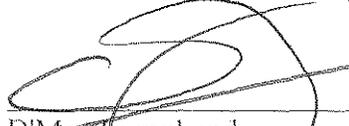
Protestants agree to dismiss their protest petition. Protestants also agree to dismiss their petition for judicial review currently pending before the Court of Appeals.

The Café agrees to the following.

- ✓ 1. The Café shall maintain satellite parking at 3700 12th Street NE. The Café shall erect a sign or banner at the satellite parking lot large and prominent enough to inform the public that the lot is available for parking for the customers of the Café. The Café shall erect a sign or banner on the exterior of the Café or its grounds, large and prominent enough to inform the public that a lot is available at 3700 12th Street NE for customers of the Café. *The parking will be non-exclusive to Brookland cafe customers.*
- ✓ 2. The sidewalk café shall not encroach on the public sidewalk. The Café shall erect, install or place a fence, railing or something similar separating the sidewalk cafe from the public sidewalk. The railing shall be of such design and construction that the tables and chairs used in the sidewalk café do not encroach on the public sidewalk. The railing separating the public sidewalk from the sidewalk café shall run the entire length of the sidewalk café, but may have breaks in it that match the doorway openings of the building.
- ✓ 3. It shall be the Café's policy that wait staff will not use the public sidewalks to serve customers. The Café shall enforce its policy.
- ✓ 4. The Café shall ensure compliance with D.C. Code § 25-761 by designing and constructing all interior expansion of the Café such that there is no access between the portion of the building occupied by the Café and the portion of the building occupied by the Brookland Inn.
- ✓ 5. The Café shall cease service of alcohol at ~~10:00~~ ^{11:00PM DL} PM every night for customers seated *DL* in the sidewalk café or summer garden seating areas.
- ✓ 6. *This Voluntary Agreement does not restrict the Brookland cafe from participating in Holiday Hours or any other programs/perks offered by ABRA.*

Don Padou
Protestants' Designated Representative

Date


D'Maz Lumukanda
New Brookland Café LLC

4-3-12
Date

 4/3/12