

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

**In the Matter of:** )

Key Boot, LLC )  
t/a Firelake Grill )

Applicant for a New )  
Retailer's Class CR License )

at premises )  
4200 Wisconsin Avenue, N.W. )  
Washington, D.C. 20016 )

License No. ABRA-090725  
Order No. 2013-029

Key Boot, LLC, t/a Firelake Grill (Applicant)

Roman Jankowski, Chairperson, Advisory Neighborhood Commission (ANC) 3F

**BEFORE:** Ruthanne Miller, Chairperson  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member  
Mike Silverstein, Member

**ORDER ON SETTLEMENT AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Key Boot, LLC, t/a Firelake Grill, Applicant for a new Retailer's Class CR license, located at 4200 Wisconsin Avenue, N.W., Washington, D.C., and ANC 3F have entered into a Settlement Agreement (Agreement), dated November 19, 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 Chairperson Roman Jankowski, on behalf of ANC 3F, are signatories to the Agreement.

Accordingly, it is this 23rd day of January, 2013, **ORDERED** that:

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

Section 17 – This section shall be removed.

Section 19 – 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 would constitute grounds for the ANC to file a complaint with the ABC Board, which will be investigated by ABRA’s Enforcement Division, and may subject the Applicant to a Show Cause proceeding or any other penalty available to the Board under the law.”

The parties have agreed to these modifications.

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

**Key Boot, LLC**  
**t/a Firelake Grill**  
**License No. ABRA-090725**  
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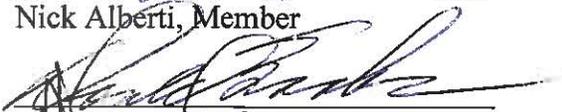
District of Columbia  
Alcoholic Beverage Control Board



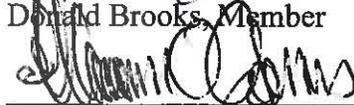
Ruthanne Miller, Chairperson



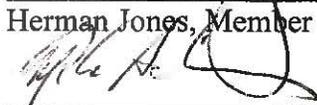
Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member



Mike Silverstein, 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 14<sup>th</sup> Street, N.W., Suite 400S, Washington, D.C. 20009.

**ANC 3F RESOLUTION SUPPORTING THE APPLICATION FOR A NEW LIQUOR  
LICENSE AND STIPULATED LIQUOR LICENSE FOR FIRELAKE GRILL**

*Advisory Neighborhood Commission 3F  
North Cleveland Park, Forest Hills & Tenleytown  
4401-A Connecticut Avenue, N.W. Box #244  
Washington, D.C. 20008-2322*

**WHEREAS**, Keyboat LLC t/a Firelake Grill (the Applicant), has applied for a Retail Class "CR" Liquor License, ABRA-090725, to operate a new full service restaurant with live entertainment at 4200 Wisconsin Avenue, N.W., located in SMD 3F06; and

**WHEREAS**, the Applicant and ANC 3F have entered into a voluntary agreement; and

**WHEREAS**, by signing this voluntary agreement, the Applicant shows an intent to operate and maintain the establishment in such a manner as to minimize the effect on the peace, order, and quiet of the neighborhood; and

**WHEREAS**, the Applicant has posted in its front windows placards announcing the application for a liquor license, showing a Petition Date of November 16, 2012, and Hearing Date of January 14, 2013; and

**WHEREAS**, the Applicant desires to open the restaurant and start serving alcohol before the hearing date, for which it will need a stipulated liquor license; and

**WHEREAS**, the Applicant is aware that the placards must remain in the window of the establishment for the determined time even if the Board grants the request for a stipulated license; and

**WHEREAS**, ANC 3F has heard of no objections from residents to the Applicant's proposed hours of operation or service of alcoholic beverages;

**THEREFORE BE IT RESOLVED THAT**, ANC 3F does not object to granting a Class "CR" liquor license to the Applicant, and ANC 3F supports the Applicant's request for a stipulated liquor license.

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This resolution was approved by a vote of 7-0-0 at a duly noticed public meeting of ANC 3F on Monday, November 19, 2012, with a quorum present, a quorum being four.

  
\_\_\_\_\_  
Roman Jankowski, Chair

## VOLUNTARY AGREEMENT

Made this 19th day of November 2012 by and between Keyboat LLC t/a Firelake Grill (Applicant) and Advisory Neighborhood Commission 3F, North Cleveland Park, Forest Hills and Tenleytown (the ANC).

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board is the Applicant's application for a new Retailer's Class "CR" Liquor License No. ABRA-090725 for its premises at 4200 Wisconsin Avenue, N.W.; and

WHEREAS, both Applicant and the ANC (the Parties) desire to enter into an agreement commemorating certain understandings regarding the Applicant's operating plans;

NOW THEREFORE, in consideration of the premises herein 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 193 seats inside, with total occupancy load of 225, and 60 seats outside for the exclusive use of dining patrons.
3. The lounge area, which includes the bar, will have a maximum of 62 seats. Patrons in the lounge area will be offered the full menu and be given the option of dining at the bar if they wish.
4. Applicant's hours of operation for both the restaurant inside and the patio outside will be 10:00 am to 11:00 pm on Sunday; 11:00 am to 12:00 midnight, Monday through Thursday; and 11:00 am to 1:00 am, Friday and Saturday.
5. Applicant's hours of alcoholic beverage sales and service inside the restaurant will be 10:00 am to 11 pm, Sunday; 11:00 am to 11:00 pm, Monday through Thursday; and 11:00 am to 12:00 midnight, Friday and Saturday. Hours of alcoholic beverage sales and service on the patio outside the restaurant will be 10:00 am to 11:00 pm, Sunday; 11:00 am to 11:00 pm, Monday through Thursday; and 11:00 am to 12:00 midnight, Friday and Saturday.
6. Alcoholic beverages will be served primarily in conjunction with full meal service. 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.
7. Applicant plans to offer take-out food and delivery service, but will not provide alcoholic beverages on a take-out or delivery basis.

8. Applicant plans to present live music performances from 6:00 pm to 10:00 pm, Sunday through Saturday, complementary to dining. Music will be played inside the restaurant only, not on the patio. The music shall be soft enough that it is inaudible from the sidewalk. Applicant shall not offer or provide for any form of dancing.
9. Applicant shall not install or utilize any equipment for video games or juke boxes.
10. Applicant will post no signs in the windows or outside the restaurant advertising liquor sales, happy hours, or the like.
11. Applicant will keep the spaces within the leased boundaries of the restaurant clean and orderly. Applicant will inform the building owner if the public spaces that border the restaurant along Wisconsin Avenue and Van Ness Street need cleaning and weeding.
12. Applicant agrees to validate parking for patrons in the underground parking garage at 4200 Wisconsin Avenue after 6:00 pm Monday through Friday and all day on Saturday and Sunday.
13. Applicant shall comply with all aspects of the Civil Infractions Act and the Litter Control Administration Act.
14. Applicant shall maintain its ventilating system in proper working order and shall address immediately any neighborhood concerns regarding odors.
15. Applicant shall comply with Section 5(d)(3) of the D.C. Noise Control Act as it pertains to businesses and shall ensure that noise from all mechanical equipment (air-conditioning, refrigerator, heat pump, fan, or other mechanical equipment regardless of location) shall be prohibited in excess of sixty (60) dB(A) when measured at the property line or as close to the property line as practical if there is an obstruction.
16. An ABC licensed manager, conversant with all aspects of this agreement, shall be on site at Applicant's premises during all hours of operation.
17. 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 will be implemented only after ANC approval, and when required by rules and regulations, ABC Board approval.
18. In consideration of and in reliance upon the commitments reflected in Paragraphs 1-17 above, the ANC will advise the ABC Board that it does not oppose the Applicant's amendment of the hours of operation for its Retailer's Class "CR" liquor license.
19. The Parties further agree that any failure of 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 to gain Applicant's compliance with the terms of the Agreement.

IN WITNESS WHEREOF, the Parties have affixed hereunto their hands and seals on the year and day first above written

By: BA Spae 11/19/12, for Applicant

By: [Signature] 11-19-2012, Chair, ANC 3F

Government of the District of Columbia  
**ADVISORY NEIGHBORHOOD COMMISSION 3F**  
*North Cleveland Park - Forest Hills - Tenleytown*

3F01 – Adam Tope, Secretary  
3F02 – Karen L. Perry, Vice Chair  
3F03 – Karen Bailey  
3F04 – Tom Whitley  
3F05 – Roman Jankowski, Chair  
3F06 – Cathy Wiss  
3F07 – Bob Summersgill, Treasurer



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Web site: [www.anc3f.us](http://www.anc3f.us)

E-mail: [commissioners@anc3f.us](mailto:commissioners@anc3f.us)  
Phone: 202.362.6120

November 30, 2012

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

RE: Keyboat LLC t/a Firelake Grill, ABRA-090725

Dear Chair Miller:

Enclosed are a voluntary agreement entered into between Keyboat LLC t/a Firelake Grill and ANC 3F and ANC 3F Resolution Supporting the Application for a New Liquor License and Stipulated Liquor License for Firelake Grill. Both were approved unanimously, 7-0-0, at a duly noticed public meeting of ANC 3F on Monday, November 19, 2012, with a quorum present, a quorum being 4.

Sincerely,

Cathy Wiss  
Commissioner, ANC 3F06

2 Enclosures

2012 NOV 30 11 02 AM  
ANC 3F