

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

In the Matter of:)	
Island Cafe, Inc.)	
t/a Island Café)	
Applicant for Renewal of)	Case No. 10-PRO-00170
a Retailer's Class CT License)	License No. ABRA-060578
at premises)	Order No. 2011-114
829 Upshur Street, N.W.)	
Washington, D.C. 20011)	

Island Cafe, Inc., t/a Island Café ("Applicant")

Joseph M. Vaughan, Chairperson, Advisory Neighborhood Commission ("ANC") 4C

BEFORE: Charles Brodsky, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWAL OF PROTEST

The official records of the Alcoholic Beverage Control Board (Board) reflect that Island Cafe, Inc., t/a Island Café ("Applicant"), has submitted an Application to renew its Retailer's Class CT License, located at 829 Upshur Street, N.W., Washington, D.C. The Applicant and Chairperson Joseph M. Vaughan, on behalf of ANC 4C, have entered into a Voluntary Agreement ("Agreement"), dated January 25, 2011, setting forth the terms and conditions that govern 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 Joseph M. Vaughan and Commissioner Shanel Anthony, on behalf of ANC 4C, are signatories to the Agreement.

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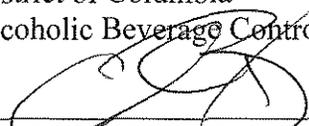
This Agreement constitutes a withdrawal of the Protest filed by ANC 4C of this Application.

Accordingly, it is this 16th day of February 2011, **ORDERED** that:

1. The Application filed by Island Cafe, Inc., t/a Island Café (“Applicant”), for renewal of its Retailer’s Class CT License, located at 829 Upshur Street, N.W., Washington, D.C., is **GRANTED**;
2. The Protest of ANC 4C in this matter is hereby **WITHDRAWN**;
3. The above-referenced Voluntary Agreement 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 ANC 4C.

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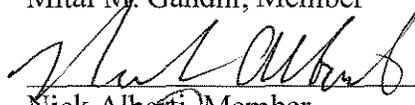
District of Columbia
Alcoholic Beverage Control Board



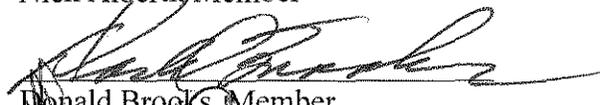
Charles Brodsky, Chairperson



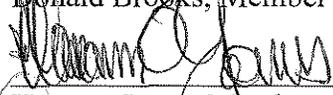
Mital M. Gandhi, Member



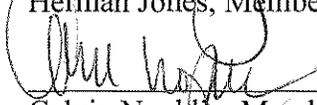
Nick Alberti, Member



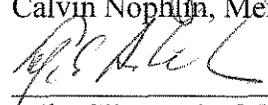
Donald Brooks, Member



Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, 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, 1250 U Street, N.W., Third Floor, Washington, DC 20009.

Island Cafe VOLUNTARY AGREEMENT

THIS VOLUNTARY AGREEMENT ("Agreement") is made on this ²⁵ ~~17~~ day of ^{January} ~~November~~ 2010 by and between Island Cafe t/a Island Cafe ("Applicant"), and Advisory Neighborhood Commission 4C ("Protestant" or "ANC 4C"), (collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant has applied for a License Renewal Retailer Class CT 01 (ABRA-060578) for a business establishment ("Establishment") located at 829 Upshur Street, NW Washington, D.C. 20011 ("Premises");

WHEREAS, Protestant is ANC 4C, the protesting organization who filed a timely protest (the "Protest") against the reissuance of the Applicant's license pursuant to D.C. Official Code § 25-601(4);

WHEREAS, the Parties have agreed to enter into this Agreement and request that the Alcoholic Beverage Control Board ("ABC Board") approve the Applicant's license renewal application conditioned upon the Applicant's compliance with the terms of this written Agreement; and

WHEREAS, the Parties are desirous of entering into a Voluntary Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to minimize the effect on (i) the peace, order and quiet of the neighborhood and (ii) pedestrian safety and vehicular traffic, and to eliminate the need for a Protest Hearing regarding the license application.

NOW, THEREFORE, in consideration of the recitals set forth above and the mutual covenants and conditions set forth below, the Parties agree 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 a Tavern with food, disc jockey and a variety of live entertainment, as noted below.
3. ***Hours of Operation and Sales.*** The Applicant's hours of operation shall be as follows:

Sunday 8 a.m. – 2 a.m.,
Monday through Thursday 8 a.m. – 2 a.m.,
Friday and Saturday 8 a.m. – 3 a.m.

The Applicant's hours for selling and serving alcohol shall be as follows:

Sunday 10 a.m. – 2 a.m.,
Monday through Thursday 8 a.m.– 2 a.m.,
Friday and Saturday 8 a.m. – 3 a.m.

Provided, however, (1) on days designated by the DC ABC Board as “Extended Hours for ABC Establishments” Applicant may operate and serve alcohol and provide entertainment for such hour(s); (2) in the event the Council of the District of Columbia or the DC ABC Board grant licensees in general extended operating hours (such as Inauguration or World Cup) Applicant may avail itself of such extended hours; and (3) on January 1 of each year Applicant may serve alcoholic beverages and provide entertainment until 4am.

4. ***Sidewalk Café.*** Applicant plans to provide sidewalk café seating for 12 patrons. Protestant will not object to the 12 seat patron limit; Applicant agrees that it shall not seek to expand the capacity of the sidewalk café without applying for a substantial change. When in use the Applicant will direct employees to inspect and clean the sidewalk café area.

Sidewalk Café Hours of Operation and Sales. *The Applicant’s hours of operation shall be as follows:*

Sunday 8 a.m. – 2 a.m.,
Monday through Thursday 8 a.m.– 2 a.m.,
Friday and Saturday 8 a.m. – 3 a.m.

The Applicant’s hours for selling and serving alcohol shall be as follows:

Hours of Sales

Sunday 10 a.m. – 2 a.m.,
Monday through Thursday 8 a.m.– 2 a.m.,
Friday and Saturday 8 a.m. – 3 a.m.

5. ***Noise and Privacy.*** Applicant will strictly comply with D.C. Official Code § 25-725 and agrees to keep its doors and windows closed when live music is being played at the establishment except when patrons are entering and exiting the Establishment. The noise from the Establishment shall not be audible from surrounding residential properties except when patrons are entering and exiting.
6. ***Public Space and Trash.*** Applicant shall keep the sidewalk (up to and including the curb), tree box(es), curb, and rear easement abutting the establishment clean and free of litter, bottles, and other debris in compliance with D.C. Code and Municipal Regulations. The Applicant shall keep the area around the trash cans at 829 Upshur Street NW, clean in compliance with D.C. Code.
7. ***Rats and Vermin Control.*** The Applicant shall provide rat and vermin control for its property. Applicant shall provide the name of its rat and vermin control company upon the request of the ABC Board.

Failure to give notice shall not constitute waiver or acquiescence to the violation, but notice shall be a prerequisite to the filing of a complaint with the ABC Board or any other enforcement action.

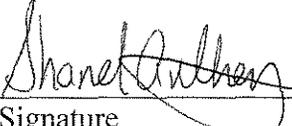
12. **Withdrawal of Protest.** Upon execution of this Agreement by the Parties and its acceptance by the ABC Board, the protest shall be deemed withdrawn.

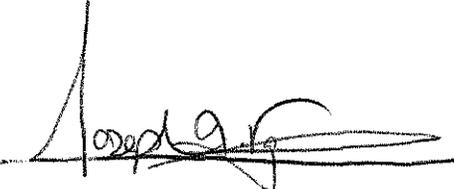
This Agreement will remain in effect for the term of the current ABC license (expires on September 30, 2013). The ANC 4C and the Applicant will negotiate a new agreement at a reasonable time before or after the expiration of this Agreement without extension of this Agreement beyond its current term. Absent submission to, and approval by, the ABC Board of a successor Agreement, this Agreement will be deemed terminated on October 1, 2013.

PROTESTANT:

ANC 4C

Shanel Anthony
By: Printed Name

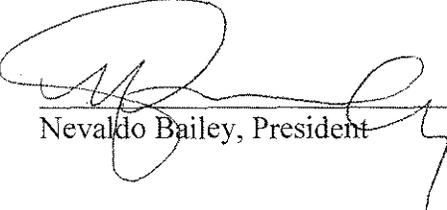

Signature



Joseph M. Vaughan
ANC 4C Chair

APPLICANT:

ISLAND CAFE
Island Café, Inc.


Nevaldo Bailey, President