

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

In the Matter of:)	
)	
The Wonderland Ballroom, LLC)	
t/a The Wonderland Ballroom)	
)	
Holder of a)	License No. ABRA-071202
Retailer's Class CN License)	Order No. 2015-110
)	
at premises)	
1101 Kenyon Street, N.W.)	
Washington, D.C. 20010)	

The Wonderland Ballroom, LLC, t/a The Wonderland Ballroom (Licensee)

Kent C. Boese, Chairperson, Advisory Neighborhood Commission (ANC) 1A

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 The Wonderland Ballroom, LLC, t/a The Wonderland Ballroom, (Licensee), and ANC 1A have entered into a Settlement Agreement (Agreement), dated January 14, 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 Kent C. Boese, on behalf of ANC 1A, are signatories to the Agreement.

Accordingly, it is this 25th day of March, 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 modifications:

Section 2 (Hours of Operation) – The second sentence shall be modified to read as follows: “On days designated by the ABC Board as “Extended Hours for ABC Establishments”, Applicant may operate (including sale and consumption) for one hour later than the hours listed; (b) in the event that The Council of the District of Columbia or the ABC Board grants licensees in general extended operating hours (such as for the Inauguration), Applicant may avail itself and such extended hours and (c) on January 1 of each year.”

Section 10 (Employment Practices) – This Section shall be removed.

Section 11 (Right to Protest) – The following language shall be modified to read as follows: “The parties agree that if reasonable discussions of violations are not resolved then any failure of the Applicant to adhere to the foregoing commitments would constitute a breach of this agreement and grounds for the Protestant to file a complaint with the Board as provided by the D.C. Code.”

The parties have agreed to these modifications.

2. Copies of this Order shall be sent to the Licensee and ANC 1A.

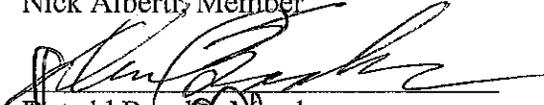
District of Columbia
Alcoholic Beverage Control Board



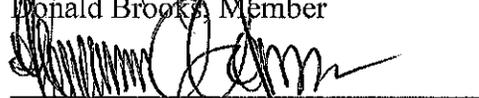
Ruthanne Miller, Chairperson



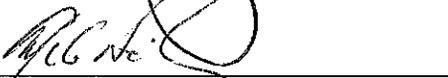
Nick Alberti, Member



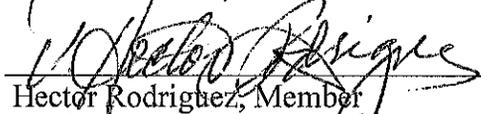
Donald Brooks, Member



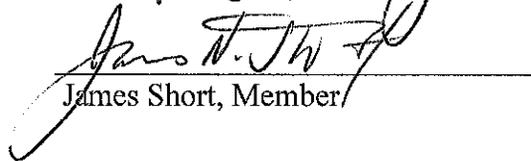
Herman Jones, Member



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).



ADVISORY NEIGHBORHOOD COMMISSION 1A



SMD 1A01 – Marvin L. Johnson
SMD 1A04 – Matthew Goldschmidt
SMD 1A07 – Darvain Frost
SMD 1A10 – Rashida Brown

SMD 1A02 – Josue Salmeron
SMD 1A05 – Thu-Huong Nguyen
SMD 1A08 – Kent Boese
SMD 1A11 – Dotti Love Wade

SMD 1A03 – Tom Gordon
SMD 1A06 – Patrick W. Flynn
SMD 1A09 – Bobby Holmes
SMD 1A12 – Margaret Hundley

SETTLEMENT AGREEMENT

THIS REVISED AGREEMENT made and entered into this 14th day of January by and between “Wonderland Ballroom LLC” (hereinafter the “Applicant”) and Neighborhood Advisory Commission 1A, on behalf of the community of Single Member District 1A06 (hereinafter, “Protestant”).

WHEREAS, Applicant having filed an application with the District of Columbia Alcohol Beverage Control Board, (hereinafter, “ABC Board”) and received a class “CN” license for the premises of 1101 Kenyon Street, NW Washington, DC 20009 for the business popularly known as “Wonderland Ballroom.”

WHEREAS, in recognition of the ABC Board’s policy of encouraging parties to settle their differences by negotiating settlement agreements, the parties hereto being desirous of entering into an agreement whereby, subject to the approval of the ABC Board, Applicant will agree to adopt certain measures to address the Protestant’s concerns and Protestant will agree to the issuance of the ABC License.

NOW, THEREFORE, in consideration of the mutual covenants and undertakings memorialized herein, the parties agree as follows:

1. Noise Suppression: There shall be no live music performed on the summer garden or sidewalk café after dark of after 9pm. The Ballroom’s operation shall at all times be in compliance with the D.C. Noise Control Act. Applicant will encourage employees and patrons, by posted signs or other printed notation, to be considerate of residents in the neighborhood after departing the building, by keeping conversations and other noises at a level that will not disturb the peace, order, quiet, and tranquility of residents in the enjoyment of their homes or result in an issued noise complaint.

2. Hours of Operation: Applicant shall open its doors to receive patrons from no earlier than 10:00 a.m. and no later than 2:00 a.m. Sunday through Thursday except that there shall be no food or alcoholic beverages served on the summer garden (patio dining area) after 12:00 a.m. Sunday through Thursday; and no earlier than 10:00 a.m. and no later than 3:00 a.m. Friday and Saturday, except that there shall be no food or alcoholic beverages served on the patios (summer garden and sidewalk café) after 12:00 a.m. On special occasions, such as New Years Eve, and other District holidays, the establishment may stay open later if permissible by DC law and/or ABRA regulations. Alcoholic beverages may not be carried out of the establishment except that alcoholic beverages may be consumed on the patios (summer garden and sidewalk café) and shall only be available during the hours of Sunday through Thursday 10:00 a.m. to 12:00 a.m. and Friday through Saturday 10:00 a.m. to 12:00 a.m. Alcoholic beverages may not be consumed on the public sidewalks adjacent to the Restaurant along Kenyon and 11th Streets, except when the sidewalk café is open.

Advisory Neighborhood Commission 1A
3400 11th St, NW Suite 200
Washington, DC 20010

Except that it is agreed that the sidewalk café will not open before 5:00 p.m. Monday through Friday when the District of Columbia Public Schools are in session.

3. Trash Removal: Applicant will maintain regular trash/garbage removal service, 4 times per week (days to be decided by owner and business necessity) from the trash and dumpster area and see that those areas are regularly kept clean. The Applicant shall enclosed the dumpsters and keep dumpster lids tightly closed and incapable of being entered by rodents, in order to limit odors and help control pest and rodent population. Applicant will conduct regular rodent and pest (insect) abatement. Applicant is prohibited from dumping glass and or recyclables after 10 p.m.

4. Removal of Grease and Oils: Applicant will provide for the proper removal of grease and oils and will not deposit these substances for removal in the dumpster.

5. Litter and Debris Removal: Applicant will maintain premises free of trash and litter and maintain the public space to a minimum distance of 18 feet from the curb, adjacent to the front and sides of the Restaurant-building along Kenyon and 11th Street, in compliance with applicable D.C. regulation in this respect, as often as needed (minimum of twice daily).

6. Food Service to Liquor Ratio: Applicant will comply in all respects with the requirements of its license or other requirements of the law. The Applicant shall refuse to sell alcohol or cigarettes to legally underage persons, and refuse to sell alcohol to inebriated patrons.

7. Ingress and Egress: No patron shall be allowed to ingress or egress at any location except at the designated building's entrances for restaurant patronage except where an emergency situation arises requiring use of the designated emergency exits.

8. Public Space Usage: No tables nor structures shall be placed outside the building without proper licensing and notification except that tables on the patio (sidewalk café) shall be allowed for dining purposes during months when weather permits. The Applicant shall store the dining tables for the patio (sidewalk café) in such a manner that refrains from being a nuisance or a public eyesore.

9. Parking and Public Transportation: Applicant will encourage patrons, through the use of posted signs at the establishment and prominent notice on its website, to use public transit and notify them of opportunities to park in nearby public parking facilities rather than on residential streets.

10. Employment Practices: Applicant will make its best effort to recruit, hire, and maintain employees form the Columbia Heights, Park View, and Pleasant Plains neighborhood and adjacent areas.

11. Right to Protest: The parties agree that if reasonable discussions of violations are not resolved then any failure of the Applicant to adhere to the foregoing commitments would constitute a breach of this agreement and grounds for the Protestant to petition the Board for issuance of an order to Show Cause, as provided by the D.C. Code.

IN WITNESS THEREOF, the Parties do hereby agree and place their signatures to this agreement, this 14th day of January, 2015.



Matthew McGovern
Owner
Wonderland Ballroom, LLC



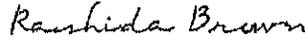
Patrick W. Flynn
Commissioner, Single Member District 1A06
Advisory Neighborhood Commission 1A

Certification:

At a regularly scheduled and publicly noticed meeting held on January 14, 2015 Advisory Neighborhood Commission 1A considered the above resolution. With a quorum of 12 Commissioners present, the Commission voted with 12 yeas, 0 nos, and 0 abstentions to adopt the above resolution.



Cheryl Chase
Chairman, ANC 1A



Rashida Brown
Secretary, ANC 1A