

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

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Dahlak Restaurant, Inc.)	
t/a Dahlak Restaurant)	
)	
Application for a Retailer's Class CR)	License no.: 74433
License – Renewal & Substantial)	Case no.: 23223-06/080P
Change at premises)	Order no.: 2006-138
1771 U Street, N.W.)	
Washington, D.C.)	
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Dahlak Restaurant, Inc., Applicant

Alan Roth, Chair, on behalf of Advisory Neighborhood Commission 1C

BEFORE: Charles A. Burger, Chairperson
Vera M. Abbott, Member
Judy A. Moy, Member
Audrey E. Thompson, Member
Peter B. Feather, Member
Albert G. Lauber, Member
Eartha Isaac, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST

The renewal application of the Retailer's Class "CR" License and the substantial change application for an entertainment endorsement and for a change in the establishment's hours of operation *from* 12:00 p.m. to 12:00 a.m., Sunday through Thursday, and 12:00 p.m. to 2:00 a.m., Friday and Saturday, *to* 12:00 p.m. to 2:00 a.m., Sunday through Thursday, and 12:00 p.m. to 3:00 a.m., Friday and Saturday, having been protested, came before the Board on June 21, 2006, in accordance with D.C. Official Code § 25-601 (2001). Alan Roth, Chair, on behalf of Advisory Neighborhood Commission ("ANC") 1C, filed timely opposition by letter on May 10, 2006.

The official records of the Board reflect that the parties have reached an agreement which has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the agreement, dated July 5, 2006, the Protestant has agreed to withdraw its protest, provided, however, the Board's approval of the pending

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application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

Accordingly, it is this 19th day of July 2006, **ORDERED** that:

1. The protest of Alan Roth, Chair, on behalf of ANC 1C, is **WITHDRAWN**;

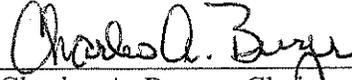
2. The renewal application and the substantial change application of Dahlak Restaurant, Inc., t/a Dahlak Restaurant, for a Retailer's Class "CR" License, for an entertainment endorsement, and for a change in the establishment's hours of operation *from* 12:00 p.m. to 12:00 a.m., Sunday through Thursday, and 12:00 p.m. to 2:00 a.m., Friday and Saturday, *to* 12:00 p.m. to 2:00 a.m., Sunday through Thursday, and 12:00 p.m. to 3:00 a.m., Friday and Saturday, at 1771 U Street, N.W., Washington, D.C., are **GRANTED**;

3. The above-referenced agreement is **INCORPORATED** as part of this Order;
and

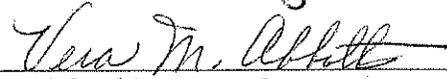
4. Copies of this Order shall be sent to the Protestant and the Applicant.

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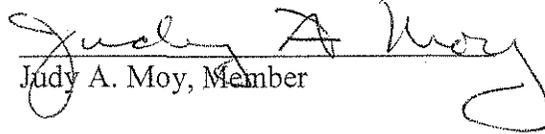
District of Columbia
Alcoholic Beverage Control Board



Charles A. Burger, Chairperson

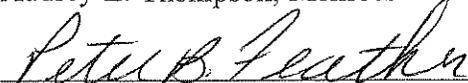


Vera M. Abbott, Member



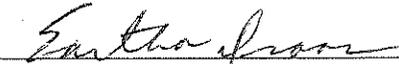
Judy A. Moy, Member

Audrey E. Thompson, Member



Peter B. Feather, Member

Albert G. Lauber, Member



Eartha Isaac, 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, 941 North Capitol Street, N.E., Suite 7200, Washington, D.C. 20002.

**COOPERATIVE AGREEMENT CONCERNING
RENEWAL AND SUBSTANTIAL CHANGE OF LICENSE
FOR SALE OF ALCOHOLIC BEVERAGES**

AGREEMENT, made and entered into this 5th day of July 2006, by and between Dahlak Restaurant, Inc. trading as Dahlak Restaurant (hereinafter the "Applicant"), and Advisory Neighborhood Commission 1C (hereinafter the "Protestant"), witnesseth:

Whereas Applicant has filed an Application with the District of Columbia Alcoholic Beverage Control Board (hereinafter the "Board") for the renewal of a Retailer's Class CR License for the premises known as Dahlak Restaurant, located at 1771 U Street, NW, Washington, DC (Case No. 23223-04/108P), and has also filed an Application with the Board for a Substantial Change in License No. 74433, including a request for an Entertainment Endorsement for disc jockey, live entertainment, and dancing, and for a change in operating hours,

Whereas Protestant has filed protests before the Board opposing the granting of both Applications,

Whereas in recognition of the Board's policy of encouraging parties to a protested proceeding to settle their differences by reaching cooperative agreements, the Parties hereto desire to enter into a cooperative agreement whereby (1) Applicant will agree to adopt certain measures to address the Protestant's concerns and to include this Agreement as a formal condition of both Applications, and (2) Protestant will agree to the approval of the Applications and withdrawal of the Protests *provided* that such Agreement is incorporated into the Board's order approving such Applications, which order is thereby conditioned upon compliance with such Agreement,

Whereas Applicant has recently taken or intends to take certain measures designed to ameliorate Protestant's concerns,

Now, therefore, in consideration of the mutual covenants and undertakings memorialized herein, the Parties hereby agree as follows:

1. Hours. The hours of operation shall be:

Sunday through Thursday	12:00 pm to 2:00 am
Friday and Saturday	12:00 pm to 3:00 am

Last call for alcohol will be ½ hour before closing. No alcohol will be served within 15 minutes prior to closing on any day.

Live entertainment (including DJ) shall be allowed only during the following hours:

Monday through Thursday	6:00 pm to 1:00 am
Friday and Saturday	6:00 pm to 2:45 am
Sunday	6:00 pm to 1:45 am

2. Occupancy. The occupancy will not exceed 79, as per 9/29/05 Certificate of Occupancy.

3. Noise/Music/Dancing. Applicant acknowledges familiarity with and will comply with all applicable noise-control provisions of District of Columbia law and regulations, and will further

respect the concerns of its residential and other business neighbors by taking actions including but not limited to:

- a) preventing emissions of sound, capable of being heard outside the premises, by any musical instrument or amplification device or other device or source of sound or noise, in a manner that violates D.C. Official Code § 25-725 (2001). Further, the Applicant agrees to abide by all relevant provisions of the D.C. Noise Control Act of 1977 (D.C. Law 2-53), including 20 DCMR, chapters 27 and 28, as amended.
- b) keeping the doors and windows of the premises closed at all times during business hours when music is being played or a sound amplification device is being employed in the premises, except when persons are in the act of using the door for ingress to or egress from the premises.
- c) ensuring that noise from inside the premises shall not be audible in adjacent residences and surrounding residential areas.
- d) not placing outside in the public space any loudspeaker, CD player, MP3 player, or other similar device, and not placing any inside speaker in such a way that it projects sound into the public space.

4. Trash/garbage/rodents.

- a) Applicant shall maintain regular trash/garbage removal service, regularly remove trash from the trash and dumpster area, and see that the trash and dumpster area remain clean. Applicant shall deposit trash and garbage only in rodent-proof dumpsters or trash containers, and shall see that container and dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed. Applicant will make every reasonable effort to eliminate food sources for rodents and eliminate the rat population.
- b) Applicant agrees to segregate and recycle bottles, cans, cardboard, and glass refuse apart from trash.
- c) Applicant shall not deposit waste grease or fatty oils in the dumpsters or trash containers. Applicant shall not be responsible for grease or oil runoff from adjacent properties or establishments onto Applicant's property.

5. Exterior including public space.

- (a) Applicant shall assist in the maintenance of the alleyway behind and the public space in front of the establishment to at least 18 inches outward from the curb as needed to keep them free of trash, and to remove snow and ice from the sidewalk and comply with all applicable D.C. laws and regulations in these respects.
- b) Applicant shall make every reasonable effort to prevent or disperse loitering or any other source of noise or disturbance in the areas in front or to the rear of the premises during business hours and at closing, and to cause patrons to leave those areas quietly at closing.
- c) Applicant agrees not to place or cause to be placed any flyers, handbills, or other similar advertisements in the public space, and specifically not on any lamppost, street sign, or vehicle parked in the public space. Applicant will also prohibit any disc jockey, live entertainment, or other performer or promoter from placing or causing to be placed any such flyers, handbills, or

other similar advertisements in the public in a manner that would be prohibited to the Applicant itself under the preceding sentence.

- 6. Bar/Pub Crawls. Applicant agrees not to promote or participate in bar or pub "crawls," "tours," or similar events.
- 7. Consideration. Applicant will encourage employees and patrons to be considerate of neighboring residents at all times. Applicant will encourage employees and patrons leaving the establishment to keep conversations and noise down from 11:00 PM to 7:00 AM.
- 8. Modification. This Agreement can be modified only by the ABC Board, or by mutual agreement of all the parties with the approval of the ABC Board. If Applicant desires to modify the terms of this Agreement, then prior to applying to the ABC Board for or implementing the changes, Applicant shall receive written agreement from ANC 1C after a majority of Commissioners shall have voted in favor of changes at a full public meeting, a quorum being present. Except as may be permitted by the preceding sentence, Applicant agrees not to apply for any change in its Retailers CR License class to CT, DT, CN, or DN.
- 9. Regulations/Agreement. In addition to the foregoing, Applicant will operate in compliance with all applicable laws and regulations. Applicant will also keep a copy of this Agreement on the premises at all times. The Applicant's staff shall be informed as to the location of said copy, which shall be made available on request to any representative of a D.C. governmental body or agency or to any member of the public for review during business hours.
- 10. Withdrawal of Protest. Protestant agrees to renewal and substantial changes of the license as applied for, and to the withdrawal of its protests *provided* that this Cooperative Agreement is incorporated into the Board's orders granting both aforesaid Applications, which orders are thereby conditioned upon compliance with such Cooperative Agreement.

APPLICANT:

Dahlak Restaurant, Inc.

t/a Dahlak Restaurant

By:

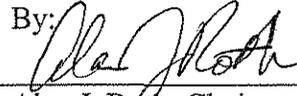
Daniel Mesifini, President



PROTESTANT:

Advisory Neighborhood Commission 1C

By:



Alan J. Roth, Chairperson



Advisory Neighborhood Commission 1C

PO Box 21009, NW, Washington, DC 20009

202-332-2630 • <http://www.anc1c.org>

Commissioners:

July 11, 2006

Chairperson

Alan Roth (1C01)

Vice Chairperson

Graham King (1C06)

Secretary

Mindy Moretti (1C04)

Treasurer

Jon Canty (1C02)

Bryan Weaver (1C03)

Andrew Miscuk (1C05)

Wilson Reynolds (1C07)

Lynn Taylor (1C08)

Hon. Charles Burger, Chairperson
Alcoholic Beverage Control Board
941 North Capitol Street, NE – Room 7200
Washington, DC 20002

Re: Dahlak Restaurant, Inc. t/a Dahlak Restaurant,
1771 U Street, NW – Class C/R License No. 74433
Case No. 23223-04/108P

Renewal, Substantial Change, and
Entertainment Endorsement Applications

Dear Chairperson Burger:

I am pleased to enclose a fully executed Cooperative Agreement between the above-referenced Applicant and Advisory Neighborhood Commission 1C. If approved by the Alcoholic Beverage Control Board, this Agreement will resolve ANC 1C's protests against this establishment's renewal application and substantial change applications, including the Applicant's request for a change of hours and for an entertainment endorsement.

On behalf of ANC 1C, we respectfully urge the Board to act promptly to approve the applications in question, subject to the incorporation of the enclosed Agreement into the Board's order.

Thank you for your consideration.

Sincerely,

Alan J. Roth
Chairperson

cc: Daniel Mesifini, President
Dahlak Restaurant, Inc.