

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

<b>In the Matter of:</b>	)	
	)	
Chikiting, LLC	)	
t/a Chikiting	)	
	)	
Applicant for a New	)	
Retailer's Class CR License	)	License No. ABRA-095459
	)	Order No. 2014-319
at premises	)	
3226 11th Street, N.W.	)	
Washington, D.C. 20010	)	

Chikiting, LLC, t/a Chikiting (Applicant)

Patrick Flynn, Commissioner, 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 Chikiting, LLC, t/a Chikiting, Applicant for a new Retailer's Class CR license, located at 3226 11th Street, N.W., Washington, D.C., and ANC 1A have entered into a Settlement Agreement (Agreement), dated July 19, 2014, 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 Commissioner Patrick Flynn, on behalf of ANC 1A, are signatories to the Agreement.

Accordingly, it is this 13<sup>th</sup> day of August, 2014, **ORDERED** that:

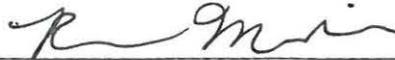
1. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modification:

Section 7 (Notice and Opportunity to Cure) – The following sentence shall be modified to read as follows: “If Applicant or the licensee fails to cure within the 30-day period (or, with respect to a breach which reasonably requires more than 30-days to cure, fails to commence cure of such breach and diligently pursues such cure) failure shall constitute a cause for filing a complaint with the ABC Board pursuant to D.C. Official Code § 25-446(3).”

The parties have agreed to this modification.

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

District of Columbia  
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



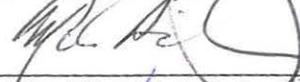
Nick Alberti, Member



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 14<sup>th</sup> 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to D.C. Official Code § 25-433, 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).



## ADVISORY NEIGHBORHOOD COMMISSION 1A

SMD 1A01 – Dan Kornfield

SMD 1A02 – Vickey Wright-Smith

SMD 1A03 – Steve Swank

SMD 1A04 – Morgan Corr

SMD 1A05 – Kevin Holmes

SMD 1A06 – Patrick Flynn

SMD 1A07 – Thomas Boisvert

SMD 1A08 – Kent Boese

SMD 1A09 – Bobby Holmes

SMD 1A10 – Anthony Cimino

SMD 1A11 – Dotti Love Wade

SMD 1A12 – Rosalind Gilliam

### SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT (“Agreement”) is made on this day the <sup>19<sup>th</sup></sup>ninth of July 2014 by and between Chikiting, LLC t/a Chikiting Restaurant (“Applicant”), and Advisory Neighborhood Commission 1A.

#### WITNESSETH

WHEREAS, Applicant has applied for a License Class C for a business establishment (Establishment) located at 3226 11<sup>th</sup> Street, N.W., Washington, D.C (Premises)

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 application conditioned upon the Applicant’s compliance with the terms of this written Agreement: and

WHEREAS, the Parties are desirous of entering into a Settlement 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 quite of the neighborhood and (ii) pedestrian safety and vehicular traffic and to eliminate the need for a Protest Hearing regarding the license application.

The Parties agree as follows:

1. ***Hours of Operation and Sales.***

The Applicant’s hours of operation shall be as follows:

Sunday-Thursday 10 am-2am

Friday-Saturday 10 am- 3am

The Applicants hours of liquor sales shall be as follows:

Sunday-Thursday 11 am-1am

Friday-Saturday and Sundays that are part of District recognized holiday weekends 11 am-2 am

The Applicants hours using the sidewalk café and summer patio shall be as follows:

Sunday 10 am to 11 pm, Monday through Thursday 10 am to 11 pm, Friday and Saturday 10 am to 12 am

2. **Parking.** Applicant will encourage patrons to use public transit and to park in nearby public parking facilities rather than on residential streets.
3. **Participation in the Community.** Applicant agrees to seek to maintain open communication with the Protestants, and the community for which the ANC acts.
4. **Nature of the Business.** The Applicant will manage and operate a restaurant with an emphasis on food. Any change from this model shall be considered by both Parties to be a substantial change and requires prior approval by the ABC Board. Food service will be available at all times that alcoholic beverages are served
5. **Public Space – Trash – Rodents.** Applicant shall keep the sidewalk (up to and including the curb), tree box(es), and alley clean and free of litter, bottles, and other debris in compliance with D.C. Code and Municipal Regulations. Applicant shall police these areas sufficiently to assure that refuse and other materials are promptly removed. Applicant will provide for the proper removal of grease and oils and will not deposit these substances for removal in dumpster or trash cans. The Applicant shall deposit trash and garbage only in rodent-proof receptacles and shall see that covers fit properly and remain fully closed except when trash or garbage is being added or removed. Applicant shall have professional extermination services or provide them as needed. Applicant shall ensure that area around the trash is kept clean at all times and the trash receptacles are placed in such a manner that they do not encroach on the abutting property owners and so that no garbage is placed on the abutting property. Applicant will not place any items, including tables and/or chairs, outside the building without proper licensing and notification. Recyclables won't be dumped after 10 pm.
6. **Capacity – Music – Noise.**
  - a. Applicant shall at all times adhere to its occupancy limit as specified in its Certificate of Occupancy Permit, which shall remain posted prominently in public view at all times.
  - b. Applicant shall post a conspicuous sign at each exit advising patrons of the residential neighborhood and the necessity of quiet departure. Applicant will take necessary steps to control the noise generated by the operation of any outdoor space to avoid disturbing nearby residents
  - c. Applicant may have recorded and background music but no live entertainment. "Entertainment" means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows, poetry readings, and disc jockeys. The term "entertainment" shall not include the operation of a jukebox, a television, a radio, or other prerecorded music.

Advisory Neighborhood Commission 1A  
 3400 11<sup>th</sup> St, N.W Suite 200  
 Washington D.C 20010

- d. Applicant will strictly comply with D.C. Official Code: 25-725 and to that end should architectural improvements to the property be undertaken, ensure that said improvements ensure that music and noise from the Establishment are not audible within the residential properties across the street. Applicant agrees to implement sound suppression measures that will mitigate any noise from this restaurant that may be heard in surrounding resident's homes, including keeping its doors and windows closed when music is being played at the establishment after 12:00 midnight
- e. Applicant shall configure any and all speaker systems such as to minimize sound from being heard outside the premises.

**7. Notice and Opportunity to Cure.** In the event that any of the parties is in breach of this Agreement, it shall be entitled to reasonable notice and opportunity to cure, as a condition precedent to seeking enforcement of the Agreement. Unless the breach is of an emergency nature or is a repetition of a prior breach, reasonable notice and opportunity shall provide for a cure within 30 days of the date of such notice. If Applicant or the licensee fails to cure within the 30-day period (or, with respect to a breach which reasonably requires more than 30-days to cure, fails to commence cure of such breach and diligently pursues such cure) failure shall constitute a cause for seeking a Show Cause Order from the ABC Board pursuant to D.C Official Code: 25-447. Unless otherwise noted above, any notices required to be made under this Agreement shall be in writing and mailed via certified mail, return receipt requested, postage prepaid, or hand-delivered, to the other parties to this Agreement at the following address. Notice shall be deemed given as of the time of receipt or refusal of receipt:

If to Applicant:

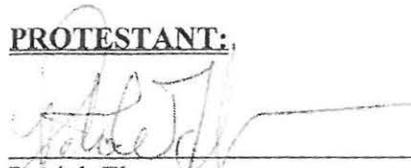
Chikiting LLC  
 3226 11<sup>th</sup> Street, NW  
 Washington, DC,20010  
 Attn: Genevieve Villamora  
 202-433-5653

If to Protestants:

Advisory Neighborhood Commission 1A  
 3400 11<sup>th</sup> St,Nw Suite 200  
 Washington DC, 20010  
 Attn: Commissioner Patrick W. Flynn  
 202-747-4633

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.

**PROTESTANT:**

  
 \_\_\_\_\_  
 Patrick Flynn  
 Commissioner, ANC 1A06

**APPLICANT:**

  
 \_\_\_\_\_  
 Genevieve Villamora  
 Chikiting, LLC  
 T/A Chikiting Restaurant