

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

<b>In the Matter of:</b>	)	
	)	
El Don, LLC	)	
t/a El Don Restaurant	)	
	)	
Holder of a	)	
Retailer's Class CR License	)	License No. ABRA-088757
	)	Order No. 2016-350
at premises	)	
4403 14 <sup>th</sup> Street, N.W.	)	
Washington, D.C. 20011	)	

El Don, LLC, t/a El Don Restaurant (Licensee)

Zachary Teutsch, Vice Chairperson, Advisory Neighborhood Commission (ANC) 4C

**BEFORE:** Donovan Anderson, Chairperson  
Nick Alberti, Member  
Mike Silverstein, Member  
Ruthanne Miller, Member  
James Short, Member

**ORDER ON SETTLEMENT AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that El Don, LLC, t/a El Don Restaurant (Licensee), and ANC 4C have entered into a Settlement Agreement (Agreement), filed May 7, 2016, 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 Vice Chairperson Zachary Teutsch, on behalf of ANC 4C, are signatories to the Agreement.

Accordingly, it is this 1st day of June, 2016, **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 4 (Sidewalk Seating) – This Section shall be removed.

Section 5 (Noise and Privacy) – The second and third sentence shall be modified to read as follows: “Applicant agrees to keep its doors and windows closed when music is being played at the establishment, but the Applicant may open its window panels seasonally, provided that the music is not audible beyond the street curbside.

Section 6 (Public Space and Trash) – The third paragraph shall be modified to read as follows: “The applicant will ensure that the inside of the facility is clearly visible from the street, that the windows are not tinted and that the windows aren't obstructed (by signs, curtains, blinds, or any other method).”

Section 8 (Security Cooperation in Stemming Illegal Drugs and Public Drinking) – The sixth sentence shall be replaced with the following: “Applicant shall ensure that (i) The cameras utilized by the establishment are operational; (ii) Any footage of a crime of violence or a crime involving a gun is maintained for a minimum of 30 days; and (iii) The security footage is made available within 48 hours upon the request of ABRA or MPD.”

The parties have agreed to these modifications.

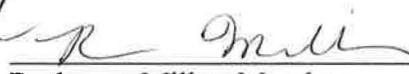
2. Copies of this Order shall be sent to the Licensee and ANC 4C.

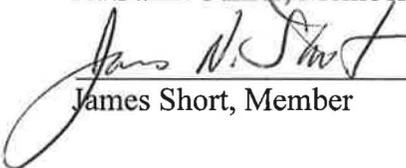
District of Columbia  
Alcoholic Beverage Control Board

  
\_\_\_\_\_  
Donovan Anderson, Chairperson

\_\_\_\_\_  
Nick Alberti, Member

  
\_\_\_\_\_  
Mike Silverstein, Member

  
\_\_\_\_\_  
Ruthanne Miller, Member

  
\_\_\_\_\_  
James Short, Member

Pursuant to D.C. Official Code § 25-433(d)(1), 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, 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).

## SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is made on this 7 day of May, 2016 by and between El Don Restaurant ("Applicant"), and Advisory Neighborhood Commission 4C, (Collectively, the "Parties").

## WITNESSETH

WHEREAS, Applicant's application for a license for premises, 4401 14th St NW, Washington, DC 20011, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC, and,

WHEREAS, the Parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "C" Restaurant Liquor License at the subject premises; 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 promote the peace, order and quiet of the neighborhood. Both parties recognize the importance of business neighborhoods that are safe, clean, and "pedestrian friendly".

NOW, THEREFORE, 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 CR license at the listed address. The license shall have limited indoor seating of 52.
3. Hours of Operation and Sales. The Applicant's hours of operation shall be as follows: Sunday through Thursday 10:00 a.m. – 2:00 a.m., Friday and Saturday 10:00 a.m. – 3:00 a.m.

Alcohol sales shall be limited to:

Sunday through Thursday 10 am – 2am, Friday and Saturday 10 am – 3 am

4. Noise and Privacy. Applicant will strictly comply with D.C. Official Code § 25-725 and will make architectural improvements to the property and will take actions, as necessary, to ensure that music, noise and vibration from the Establishment are not audible outside the establishment at any time. Applicant agrees to keep its doors and windows closed when music is being played at the establishment. However, it is understood by the parties that Applicant may open its window panels seasonally, and that music may be played at such times at a level not audible beyond the street curbside. Applicant will post a sign requesting that patrons exit quietly and be respectful of the neighborhood.

5. Public Space and Trash. Applicant shall keep the sidewalk (up to and including the curb), tree box(es), curb, 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 shall ensure that the area around the dumpster is kept clean at all times and the dumpster is placed such that it does not encroach on the abutting property owners and that no garbage is placed on the abutting property. Applicant will ensure timely disposal no less than two (2) times per week that is the least disruptive to the neighbors. Commercial trash pick up in residential areas takes place between 9 a.m. - 1 p.m.

6. Rats and Vermin Control. The Applicant shall provide rat and vermin control for its property. Applicant shall have the Establishment and the area around the Premises properly cleaned at the end of each night to ensure that there are not garbage and odors present the following morning.

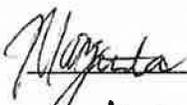
7. Security Cooperation in Stemming Illegal Drugs and Public Drinking. Applicant agrees that it shall take all necessary steps to minimize such problems, including, without limitation, designating a sufficient number of employees to assure adequate security and to control unruly patrons, whether inside or in the immediate outside area; monitoring for and prohibiting sales or use of illegal drugs within or about the Premises, maintaining contact and cooperating with MPD and other enforcement officials when known or suspected drug activities occur. Applicant shall to the full extent permissible by law discourage loitering in the vicinity of the Premises. This will include providing a security officer, during the evening hours on Friday, Saturday and Sunday, who shall be responsible for ensuring that any individuals who are simply loitering are asked to move along.

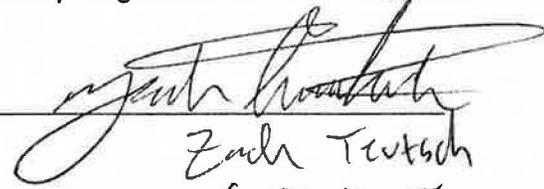
8. Compliance with ABRA Regulations. Applicant promises that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licenses.

In witness whereof, the parties have executed this Settlement Agreement as of the day and date first written above.

Applicant:

Advisory Neighborhood Commission 4C:

  
\_\_\_\_\_  
Maria Elvira  
  
Robert Sachs

  
\_\_\_\_\_  
Zach Teutsch  
SMD H105  
Vice-Chair HC