

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

**In the Matter of:** )

Rudraaksh, LLC )  
t/a Masala Art )

Application for Renewal of a )  
Retailer's Class CR License )

at premises )  
4441 Wisconsin Avenue, N.W. )  
Washington, D.C. 20016 )

License No. ABRA-082973  
Order No. 2013-164

Rudraaksh, LLC, t/a Masala Art (Applicant)

Jonathan Bender, Chairperson, on behalf of Advisory Neighborhood Commission (ANC)  
3E

**BEFORE:** Ruthanne Miller, Chairperson  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member  
Mike Silverstein, Member

**ORDER ON SETTLEMENT AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Rudraaksh, LLC, t/a Masala Art (Applicant), and ANC 3E have entered into a Settlement Agreement (Agreement), dated April 11, 2013, 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 Chairperson Jonathan Bender, on behalf of ANC 3E, are signatories to the Agreement.

**Rudraaksh, LLC**  
**t/a Masala Art**  
**License No. ABRA-082973**  
**Page 2**

Accordingly, it is this 8<sup>th</sup> day of May, 2013, **ORDERED** that:

1. The above-referenced Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
2. Copies of this Order shall be sent to the Applicant and ANC 3E.

**Rudraaksh, LLC**  
**t/a Masala Art**  
**License No. ABRA-082973**  
**Page 3**

District of Columbia  
Alcoholic Beverage Control Board

  
Ruthanne Miller, Chairperson

  
Nick Alberti, Member

  
Donald Brooks, Member

  
Herman Jones, Member

  
Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any Party adversely affected by this Order may file a Motion for Reconsideration 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, D.C. 20009.

## VOLUNTARY AGREEMENT

VOLUNTARY AGREEMENT (The "Agreement") made this 11 day of <sup>April</sup> ~~March~~, 2013, by and between Rudraaksh LLC t/a/ Masala Art ("Applicant") and Advisory Neighborhood Commission ("ANC") 3E.

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board (the "Board") is the Applicant's renewal for a Retailer Class CR Restaurant liquor license for premises at 444 1B Wisconsin Ave., NW, Washington, D.C.; and

WHEREAS the Applicant and the ANC have agreed to enter into this Agreement and request the Board to approve the issuance of the license, conditioned upon Applicant's compliance with the terms and conditions of this written agreement.

NOW, THEREFORE, in consideration of the recitals set forth above, the mutual covenants and conditions set forth below, and other good and valuable consideration, the parties agree as follows:

1. Applicant shall operate a *bona fide* restaurant on its premises.
2. The restaurant shall have a maximum of 45 seats inside for the exclusive use of dining patrons.
3. Applicant's hours of operation will be 11:00 a.m. to 11:00 p.m. Monday through Sunday.
4. Applicant shall offer food service to its patrons at all times it is open.
5. Applicant plans to offer take-out food and delivery service, but will not provide alcoholic beverages on a take-out or delivery basis.
6. Other than the sign permitted by zoning above its establishment, Applicant shall display small signs, no larger than two feet by three feet, advertising food specials only.
7. Applicant may provide soft live or recorded music as background music for dining. If a customer rents the entire restaurant for a private event, Applicant may allow live or recorded music during the time period of that event only. The music shall be inaudible from the sidewalk when the doors to the restaurant are closed.
8. Applicant will make sure that the area surrounding the exterior of the restaurant is clean, that the trash is properly disposed of and that the general appearance is in good order.
9. Applicant shall comply with the Civil Infractions Act and the Litter Control Law.

AS

Applicant shall work with surrounding businesses to ensure that its trash is removed in a timely

manner and its trash receptacles remain closed and free of vermin at all times. Applicant will limit noise after closing when depositing trash and bottles in receptacles.

10. Applicant shall maintain its ventilation system in proper working order and shall immediately address any neighborhood concerns about odors.

11. Applicant shall comply with Section 5(d)(3) of the D.C. Noise Control Act as it pertains to businesses and ensure that noise from all mechanical equipment (air conditioning, refrigerator, heat pump, fan, or other) shall be prohibited in excess of (60) dBA when measured at the property line or as close to the property line as practical if there is an obstruction.

12. Any contemplated changes to Applicant's operation will be brought to the attention of the ANC prior to implementation and will be implemented only after ANC approval.

13. If the ANC learns of a violation of the provisions of this Voluntary Agreement, Applicant shall be notified in writing. Any notices required to be given under this Agreement shall be in writing and mailed by certified mail or hand delivered to the other parties to this Agreement. Notice is to be given as follows:

If to Applicant:

Rudraaksh LLC t/a Masala Art  
4441B Wisconsin Ave, NW  
Washington, DC 20016

If to ANC:

ANC 3E  
c/o Lisner Home, Suite #219  
Washington, DC 20016

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year stated below:

APPLICANT:

Atul Bhatia

By: ATUL BHATIA

Print Name: 4/9/13

Title: PRESIDENT

Date Signed:

4/9/13

ANC 3E

By:

*Sh* Jonathan Bender

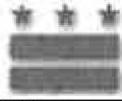
Print Name:

Title:

Chair

Date Signed:

4/11/13



## **ADVISORY NEIGHBORHOOD COMMISSION 3E**

TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS

c/o Lisner-Louise-Dickson-Hurt Home 5425 Western Avenue, NW Washington, DC 20015

[www.anc3e.org](http://www.anc3e.org)

### **Resolution Regarding Application by Rudraaksh LLC t/a/ Masala Art for a Renewal of Retailer Class CR Restaurant Liquor License, ABRA No.082973**

**WHEREAS**, Rudraaksh LLC t/a/ Masala Art ("Applicant") has applied to the District of Columbia Alcoholic Beverage Control Board (the "Board") for a renewal of its Retailer Class CR Restaurant liquor license for premises at 4441B Wisconsin Ave., NW, Washington, D.C.; and

**WHEREAS**, to date ANC 3E has heard no objections to this renewal;

**NOW THEREFORE BE IT RESOLVED**, ANC 3E supports the Applicant's renewal of its retailer Class CR Restaurant liquor license, provided that it adheres to the attached Voluntary Agreement. ANC 3E and the Applicant respectfully ask ABRA to incorporate the terms of the Voluntary Agreement to the fullest extent possible in any order it issues regarding the subject matter.

ANC 3E approved this resolution at its meeting on April 11, 2013, which was properly noticed and at which a quorum was present. The resolution was approved by a vote of 4-0. Commissioners Jonathan Bender, Elizabeth Haile, Tom Quinn and Sam Serebin were present.

**Jonathan  
Bender**

Digitally signed by  
Jonathan Bender  
DN: cn=Jonathan Bender,  
email=jbender@business  
sweyer.com, o=Law Office  
of Jonathan Bender, P.C.,  
c=US  
Date: 2013.04.16 01:06:57  
-04'00'

ANC 3E

By Jonathan Bender, Chairperson

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

_____ )	
In the Matter of: )	
)	
Rudraaksh, LLC, )	License Number: 82973
t/a Masala Art )	ORDER NUMBER: 2009-242
)	
New Application for Retailer's )	
Class CR License )	
at premises )	
4441B Wisconsin Avenue, N.W. )	
Washington, D.C. 20016 )	
_____ )	

Rudraaksh, LLC, t/a Masala Art, Applicant

Jane Solomon, Chair, Advisory Neighborhood Commission (ANC) 3F

**BEFORE:** Peter B. Feather, Chairperson  
Mital M. Gandhi, Member  
Nick Alberti, Member  
Charles Brodsky, Member  
Donald Brooks, Member  
Herman Jones, Member

**ORDER ON VOLUNTARY AGREEMENT**

The official records of the Alcoholic Control Board (the "Board") reflect that Rudraaksh, LLC, t/a Masala Art ("Applicant"), filed an Application for a New Retailer's Class CR License located at 4441B Wisconsin Avenue, N.W., Washington D.C. The Applicant and Jane Solomon, Chair, ANC 3F (the "Parties"), have entered into a Voluntary Agreement (Agreement) dated September 21, 2009, setting forth the terms and conditions that govern the operation of the Applicant's establishment under a stipulated license.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Solomon are signatories to the Agreement.

Rudraaksh, LLC  
t/a Masala Art  
License No: 82973  
Page 2

Accordingly, it is this 30<sup>th</sup> day of September 2009, **ORDERED** that:

1. The Application filed by Rudraaksh, LLC, t/a Masala Art, for a new Retailer's Class CR license located at 4441B Wisconsin Avenue, N.W., Washington, D.C., is **GRANTED as a STIPULATED LICENSE**,

2. This 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

3. Once the Roll Call Hearing date of November 16, 2009, has passed with no opposition to this Application, this Voluntary Agreement shall be adopted and incorporated into the operation of this establishment under a permanent license.

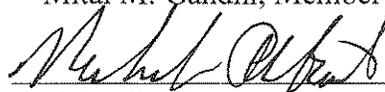
4. Copies of this Order shall be sent to the Applicant and ANC 3F.

District of Columbia  
Alcoholic Beverage Control Board



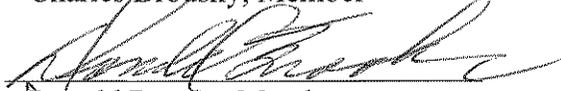
Peter B. Feather, Chairperson

Mital M. Gandhi, Member



Nick Alberti, Member

Charles Brodsky, Member



Donald Brooks, Member



Herman Jones, 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.

## VOLUNTARY AGREEMENT

Made this 21 day of September 2009 by and between Rudraaksh LLC t/a Masala Art (the Applicant) and Advisory Neighborhood Commission 3F, North Cleveland Park, Forest Hills and Tenleytown (the ANC).

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board is the Applicant's application for a new Retailer's Class "CR" (Restaurant) Liquor License No. ABRA-082973 for its premises at 4441B Wisconsin Avenue, N.W.; and

WHEREAS, both the Applicant and the ANC (the Parties) desire to enter into an agreement commemorating certain understandings regarding the Applicant's operating plans;

NOW THEREFORE, in consideration of the premises herein recited, and the mutual covenants and promises set forth below, the parties agree as follows:

1. The Applicant shall operate a *bona fide* restaurant on its premises.
2. The restaurant shall have a maximum of 45 seats for the exclusive use of dining patrons.
3. The Applicant's hours of operation will be 11:00 am to 11:00 pm, Monday through Sunday.
4. Alcoholic beverages will be served primarily in conjunction with full meal service. The Applicant shall offer food service to its patrons at all times it is open. At no time shall a patron be able to purchase an alcoholic beverage from the Applicant and not be able to purchase food from the Applicant.
5. The Applicant plans to offer take-out food and delivery service, but will not provide alcoholic beverages on a take-out or delivery basis.
6. The Applicant will offer only soft, recorded background music for dining. The Applicant will offer no form of live entertainment. The Applicant shall permit no form of dancing.
7. The Applicant shall not install or utilize any equipment for video games or juke boxes.
8. The Applicant shall post no signs in the windows or outside the restaurant advertising liquor sales, happy hours, or the like.
9. The Applicant shall comply with all aspects of the Civil Infractions Act and the Litter Control Administration Act. The Applicant shall ensure that its trash is removed in a timely manner. The Applicant shall ensure that trash receptacles remain closed and free of vermin at all times. The Applicant will limit noise after closing when disposing of trash and bottles in the receptacles.

