



The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Kevin Wilsey, on behalf of ANC 2C, are signatories to the Agreement.

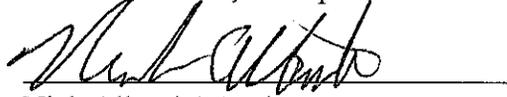
This Agreement constitutes a withdrawal of the Protest filed by ANC 2C.

Accordingly, it is this 12<sup>th</sup> day of November, 2014, **ORDERED** that:

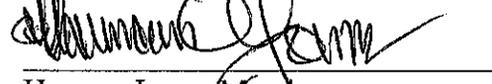
1. The Application filed by Zho Hospitality Group, LLC, t/a Umayya, for a new Retailer's Class CT License, located at 733 10th Street, N.W., Washington, D.C., is **GRANTED**;
2. The Protest of ANC 2C in this matter is hereby **WITHDRAWN**;
3. The above-referenced Settlement Agreement submitted by the Parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Applicant and ANC 2C.

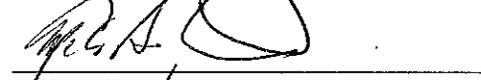
District of Columbia  
Alcoholic Beverage Control Board

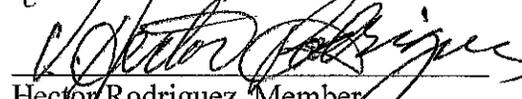
  
Ruthanne Miller, Chairperson

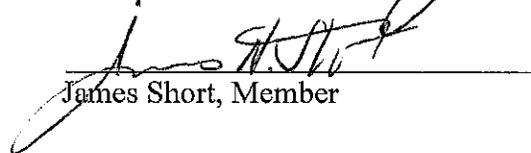
  
Nick Alberti, Member

  
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).

## SETTLEMENT AGREEMENT

**THIS AGREEMENT**, made this 27<sup>th</sup> day of October, 2014, by and between Zhou Hospitality Group, LLC t/a Umayya Restaurant ~~Group~~ (the Applicant), located at 733 10<sup>th</sup> Street, NW, Washington, DC, and Kevin Wilsey, ANC Commissioner 2C03 Chairman, Advisory Neighborhood Commission 2C (the Protestant).

Whereas, Applicant has applied for a ABRA ABC license to use with the operation of a restaurant business at the above-listed address; and

Whereas, ANC2C03 filed protests relating to the hours of operation of the sidewalk cafe; and

Whereas, in recognition of the Board's policy of encouraging parties to settle their differences the Parties hereto desire to enter into a settlement whereby Applicant will agree to amend its application to adopt certain measures to address the ANC expressed concern's regarding the use and hours of the outdoor patio in exchange for the withdrawal of the protest filed by the ANC; and

Now, therefore, in consideration of the mutual undertakings memorialized herein, the parties hereby agree that the Applicant shall amend it application to provide as follows:

### 1. A. Sidewalk Café

Applicant may operate a sidewalk cafe in front of its premises.

Hours of Operation for Sidewalk Cafe:

Sunday to Wednesday	11:00 AM to 12:00 AM
Thursday	11:00 AM to 1:00 AM
Friday & Saturday	11:00 AM to 2:00 AM

### B. Entertainment on the Sidewalk Cafe:

There will not be any entertainment offered, nor any noise-producing electronic device operated by the Applicant on the sidewalk café. Applicant will ensure that an employee of applicant will monitor the activities of patrons on the sidewalk cafe.

### 2. Noise

Applicant acknowledges familiarity with and will comply with all applicable noise-control provisions of the District of Columbia law and regulations.

**3. Notice to cure.**

In the event that any of the parties is in breach of this Agreement or any other ABRA violation, licensee shall be entitled to reasonable written notice to Umaya's official address 733 10<sup>th</sup> Street, NW, Washington, D.C 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 5 days of the date of such notice, If Applicant or the licensee fails to cure within the 5 day period (or, with respect to a breach which reasonably requires more than 5 days to cure, fails to commence cure of such breach and diligently pursue such cure) such failure shall constitute grounds for filing a complaint for investigation with the ABC Board pursuant to D.C. Official Code §25- 446(3).

4. Applicant will provide a phone number of the manager for contact.

**5. Withdrawal of Protests**

**6. Modification**

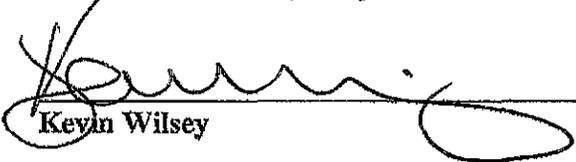
This agreement can be modified by mutual agreement of all the parties with the approval of the ABC Board

In consideration of the foregoing the ANC agrees to the withdrawal of their Protests.

  
\_\_\_\_\_  
Charles Zhou, Managing Member

10/27/14  
Date

ANC Commissioner 2C03  
Chairman, Advisory Neighborhood Commission 2C

  
\_\_\_\_\_  
Kevin Wilsey

10/28/14  
Date