

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

**In the Matter of:**

Alero of U Street, Inc.  
t/a Alero Restaurant and Lounge

Holder of a  
Retailer's Class CR License

at premises  
1301 U Street, N.W.  
Washington, D.C. 20009

License No. ABRA-071881  
Order No. 2011-413

Alero of U Street, Inc., t/a Alero Restaurant and Lounge

Juan Lopez, Chairperson, Advisory Neighborhood Commission (ANC) 1B

**BEFORE:** Nick Alberti, Interim Chairperson  
Donald Brooks, Member  
Herman Jones, Member  
Calvin Nophlin, Member  
Mike Silverstein, Member

**ORDER ON VOLUNTARY AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Alero of U Street, Inc., t/a Alero Restaurant and Lounge (Licensee), and ANC 1B have entered into a Voluntary Agreement (Agreement), dated September 1, 2011, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Agreement, in accordance with D.C. Official Code § 25-446 (2001).

The official records of the Board reflect that the Parties have agreed to submit the Agreement to allow the Licensee to revise its Entertainment Endorsement and change its hours of operation in order to open at 11 a.m. every day and to allow for a "soft closing" time of one hour after the cessation of alcohol sales on each day.

The official records of the Board reflect that the Parties have agreed to replace the

**Alero of U Street, Inc.**  
**t/a Alero Restaurant and Lounge**  
**License No. ABRA-071881**  
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previous Voluntary Agreement, dated November 22, 2006. The members of the previously-designated "Group of Nine" Protestants, which were party to the Voluntary Agreement, dated November 22, 2006, no longer live in this area.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Juan Lopez, on behalf of ANC 1B, are signatories to the Agreement.


### **ORDER**

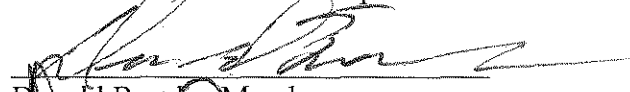
Accordingly, it is this 28<sup>th</sup> day of September 2011, **ORDERED** that:


1. The above-referenced Voluntary Agreement, dated September 1, 2011, submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
2. Copies of this Order shall be sent to the Licensee and ANC 1B.

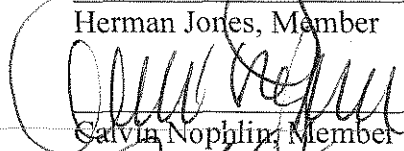
Alero of U Street, Inc.  
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District of Columbia  
Alcoholic Beverage Control Board

  
\_\_\_\_\_  
Nick Alberti, Interim Chairperson

  
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Donald Brooks, Member

  
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Herman Jones, Member

  
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Calvin Nophlin, Member

  
\_\_\_\_\_  
Mike Silverstein, 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, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.



## Advisory Neighborhood Commission 1B

Government of the District of Columbia

2000 14<sup>TH</sup> Street N.W., Suite 100B

Washington, DC 20009

202-481-3462

202-870-4202

Juan Lopez 1B07, Chairperson, Ahnna Smith, 1B08, Vice Chairperson

Myla Moss, 1B01, Secretary, Mary Streett, 1B05, Treasurer

Aaron Spencer 1B02, Sedrick Muhammad 1B03, Deborah Thomas 1B04, Charles Meisch 1B06,

Lauren McKenzie 1B09, Tony Norman 1B10, E. Gail Anderson Holness 1B11

September 2, 2011

Mr. Nick Alberti  
Interim Chairman  
Alcoholic Beverage Control Board  
1250 U Street N.W., Third Floor  
Washington, DC 20009

**ABRA-071881**

**Alero Restaurant and Lounge, 1301 U Street N.W.**

Dear Chairman Alberti:

At its regularly scheduled meeting on August 4, 2011 (notice of which was properly given, and at which a quorum of eight of eleven members was present) Advisory Neighborhood Commission 1B voted unanimously (8 yes, 0 no) to approve certain amendments to a voluntary agreement between Alero and the Commission. These amendments adjust or remove certain restrictive terms of the original agreement which are no longer practical in the changing and improving business environment of the U Street corridor.

This license is located in single member district 1B02. This SMD does not currently have a sitting commissioner, so we have designated Commissioner Charles Meisch, Interim Chair of our ABC Committee, to represent the Commission regarding any questions, hearings or issues regarding this amended voluntary agreement.

Sincerely,

Juan Lopez  
Chairperson

Myla Moss  
Secretary

CC: Mr. Michael D. Fonseca, Attorney for Alero

VOLUNTARY AGREEMENT

This Voluntary Agreement is made this 1<sup>ST</sup> day of SEPTEMBER, 2011, between Alero of "U" Street, Inc. (Applicant) and Advisory Neighborhood Commission 1B (ANC-1B).

WITNESSETH

WHEREAS the Applicant operates the establishment known as "Alero on "U" Street" at 1301 "U" Street, NW 20009 pursuant to a Retailer's Class CR License ( 071881 );

WHEREAS the Applicant has submitted an application for a revised "Entertainment Endorsement" for approval by District of Columbia's Alcoholic Beverage Control (ABC) Board;

WHEREAS the Applicant has submitted an application for a change in Hours of Operation in order to open at 11 a.m. on all days, and in order to allow for a "soft closing" time of one hour after the cessation of alcohol sales on each day;

WHEREAS the premises is within the boundaries of ANC-1B;

WHEREAS the parties desire to enter into an agreement to govern certain operational aspects at the subject premises;

WHEREAS the parties wish to state their mutual desire to promote business in the neighborhood while at the same time safeguarding peace and order in the immediate area;

WHEREAS the parties desire to replace the previous Voluntary Agreement, dated November 22, 2006 with this new agreement; and

WHEREAS the members of the previously-designated "Group of Nine" protestants, which were party to the previous Voluntary Agreement, dated November 22, 2006, no longer live in this area;

NOW, THEREFORE, ANC-1B and the Applicant agree as follows:

1. The Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition.
2. Any music provided at the premises will comply with all District laws which regulate noise.
3. The Applicant will operate in accordance with the provisions of its licenses and permits.
4. The Applicant may have operating hours (including "soft closing") as

follows:

Sundays	11 a.m. to 3 a.m.
Mondays	11 a.m. to 3 a.m.
Tuesdays	11 a.m. to 3 a.m.
Wednesday	11 a.m. to 3 a.m.
Thursdays	11 a.m. to 3 a.m.
Fridays	11 a.m. to 4 a.m.
Saturdays	11 a.m. to 4 a.m.

During hours on Holidays (as defined by law, DCMR, and the ABC Board)  
Plus one hour (for "soft closing").

March 17	11 a.m. to 3 a.m. (if on Sunday through Thursday)
March 17	11 a.m. to 4 a.m. (if on Friday or Saturday)
May 5	11 a.m. to 3 a.m. (if on Sunday through Thursday)
May 5	11 a.m. to 4 a.m. (if on Friday or Saturday)

5. The Applicant may have DJs, live bands, and/or musicians only inside the establishment and dancing shall be permitted only inside the establishment as follows:

Sundays	11 a.m. to 8 p.m.
Mondays	3 p.m. to 10 p.m.
Tuesdays	3 p.m. to 10 p.m.
Wednesday	3 p.m. to 10 p.m.
Thursdays	3 p.m. to 2 a.m.
Fridays	3 p.m. to 3 a.m.
Saturdays	11 a.m. to 3 a.m.

During hours on Holidays (as defined by law, DCMR, and the ABC Board)

March 17	3 p.m. to 2 a.m. (if on Sunday through Thursday)
March 17	3 p.m. to 3 a.m. (if on Friday or Saturday)
May 5	3 p.m. to 2 a.m. (if on Sunday through Thursday)
May 5	3 p.m. to 3 a.m. (if on Friday or Saturday)

In consideration of, and reliance upon, the commitments reflected in paragraphs 1 through 5, the ANC will not oppose the applicant's application for a new Entertainment Endorsement.

In the event of a perceived violation of the provision of this Agreement, the Applicant shall be notified in writing. Such notices shall be hand delivered or sent by first class mail or by recognized delivery service to: Mr. Victor Martinez, 1301 "U" Street, NW, Washington DC 20009.

The parties further agree that any failure of the Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT

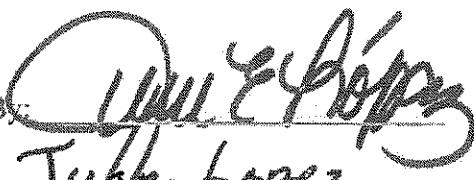
By:

  
ALERO ON "U" STREET

Victor Martinez

ANC 1B

By:

  
Juan Lopez  
Chair, ANC 1B