

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

In the Matter of:)	
)	
1215 CT, LLC)	
t/a Current Sushi)	
)	
Holder of a)	License No. ABRA-077883
Retailer's Class CT License)	Order No. 2011-303
)	
at premises)	
1215 Connecticut Avenue, N.W.)	
Washington, D.C. 20036)	

1215 CT, LLC, t/a Current Sushi (Licensee)

Will Stephens, Chairperson, Advisory Neighborhood Commission (ANC) 2B

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

ORDER ON SECOND AMENDMENT TO VOLUNTARY AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that 1215 CT, LLC, t/a Current Sushi (Licensee) and ANC 2B entered into a Voluntary Agreement (Agreement), dated February 28, 2007, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Second Amendment to Voluntary Agreement (Amendment), dated May 11, 2011, in accordance with D.C. Official Code § 25-446 (2001).

The official records of the Board reflect that the Parties have agreed to amend the original Agreement and the Licensee and Chairperson Will Stephens, on behalf of ANC 2B, are signatories to the Amendment. The Amendment has been reduced to writing and has been properly executed and filed with the Board.

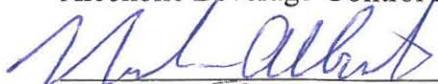
1215 CT, LLC
t/a Current Sushi
License No. ABRA-077883
Page 2

Accordingly, it is this 29th day of June 2011, **ORDERED** that:

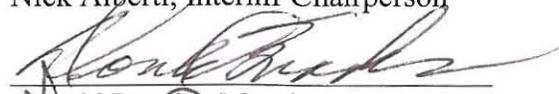
1. The above-referenced Second Amendment to Voluntary Agreement by and between 1215 CT, LLC, t/a Current Sushi located at 1215 Connecticut Avenue, N.W., Washington, D.C., and Chairperson Will Stephens, on behalf of ANC 2B, to the existing February 28, 2007 Agreement is **APPROVED** and **INCORPORATED** as part of this Order; and
2. Copies of this Order shall be sent to the Licensee and ANC 2B.

1215 CT, LLC
t/a Current Sushi
License No. ABRA-077883
Page 3

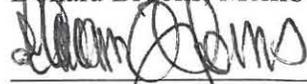
District of Columbia
Alcoholic Beverage Control Board



Nick Alberti, Interim Chairperson

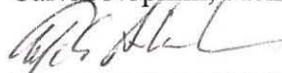


Donald Brooks, Member



Herman Jones, Member

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 14th Street, N.W., Suite 400S, Washington, DC 20009.

Holland & Knight

2099 Pennsylvania Avenue, N.W., Suite 100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Kwamina Thomas Williford
(202) 828-1857
kwamina.williford@hklaw.com

June 13, 2011

Nick Alberti
Interim Chairman
Alcoholic Beverage Control Board
1250 U Street, NW, 3rd Floor
Washington, DC 20009

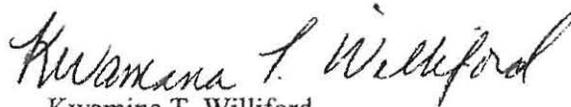
Re: Current Sushi - Agreed to Amendment to Voluntary Agreement

Dear Chairman Alberti:

Please accept this letter request on behalf of 1215 CT, LLC, trading as Current Sushi and the holder of a Class "CT" license No. 077883 located at 1215 Connecticut Ave, N.W. ("Licensee"). The Licensee operates a tavern that serves Japanese cuisine and is subject to a Voluntary Agreement entered into with ANC 2B. See Attachment A. The Licensee and ANC 2B reached an agreement to modify the Voluntary Agreement as it pertains to restrictions on the rooftop summer garden.

Pursuant to D.C. Code § 25-446(d)(1), the Licensee respectfully requests the Board's approval of the Licensee's Second Amendment to Agreement with ANC 2B, which is appended hereto as Attachment B. I respectfully request the Board's consideration of this matter at its earliest availability. Thank you,

Sincerely yours,



Kwamina T. Williford
Counsel to 1215 CT, LLC

KTW:aem

Enclosure

cc: 1215 CT, LLC

#10370888_v1

ORIGINAL
COPY**SECOND AMENDMENT TO AGREEMENT**

AGREEMENT made this 11th day of May, 2011, by and between 1215 CT LLC t/a Current Sushi ("Licensee") and ADVISORY NEIGHBORHOOD COMMISSION 2B ("the ANC").

WITNESSETH:

WHEREAS, the parties seek to amend the "Amendment to Agreement" dated February 28, 2007 in order to clarify expectations regarding music being played from the premises located at 1215 Connecticut Avenue, N.W.;

WHEREAS, the premises 1215 Connecticut Avenue, N.W. is within the jurisdictional boundaries of the ANC;

WHEREAS, the ANC seeks to protect the peace, order, and quiet for residents within its jurisdictional boundaries; and

WHEREAS, the premise 1215 Connecticut Avenue, NW is located in an area surrounded primarily by businesses and is not in an area where residential property is likely to be negatively affected by sound emanating from the premises;

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

1. The parties agree that the Licensee shall be permitted to play music in the outdoor summer garden area. There will be no karaoke in the outside area.
2. Should the music level exceed that which is deemed acceptable by St. Matthew's Cathedral or any residential neighbors, that the licensee agrees to meet with their representative to resolve the issue. Applicant agrees that, in the event they are contacted by representatives of St. Matthew's Cathedral indicating that the church has an event, and noise from this space could be intrusive on the church's event, no music will be played during the event.
3. Special consideration will be given to St. Matthew's Cathedral when the Cathedral is hosting major events and St. Matthew's will make an effort to notify the licensee when it is hosting such events.
4. The parties agree that the limitation codified within D.C. Code §§ 25-446, which limits the timeframe for any party to amend this Voluntary Agreement, applies as to the date of the original Voluntary Agreement of March 19, 2002 and not to the dates of the first amendment of February 28, 2007 and this second amendment.
5. The parties agree that this Second Amendment to Agreement will supersede the terms set forth in the February 28, 2007 Amendment to Agreement.

6. The parties further agree that any failure of the Applicant to adhere to the foregoing commitments would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 DCMR 1513.5.

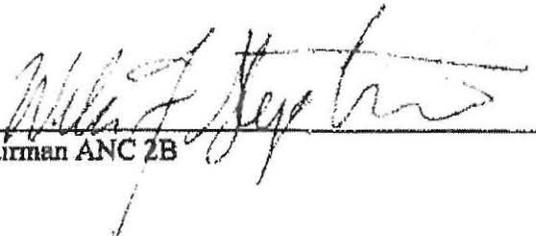
IN WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the year and day first above written.

LICENSEE:

ADVISORY NEIGHBORHOOD COMMISSION 2B

1215 CT LLC

By: 

By: 
Chairman ANC 2B

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

<u>In the Matter of:</u>)	
)	
JAH, Inc.)	
t/a Dragonfly)	
)	
Substantial Change Application for a)	License No.: 25595
Retailer's Class CT License –)	Case No.: 35509-07/015P
at premises)	Order No.: 2007-041
1215 Connecticut Ave., N.W.)	
Washington, D.C.)	
)	

Dimitri Mallios, Esquire, on behalf of the Applicant, JAH, Inc.

Commissioner Darren A. Bowie, Chair, on behalf of Advisory Neighborhood Commission 2B ("ANC 2B"), Protestant

BEFORE: Peter B. Feather, Acting Chairperson
Vera M. Abbott, Member
Judy A. Moy, Member
Audrey E. Thompson, Member
Albert G. Lauber, Member
Mital M. Gandhi, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST

The Substantial Change Application for a summer garden endorsement, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call hearing on January 24, 2007, in accordance with D.C. Official Code § 25-601 (2001). Commissioner Darren A. Bowie, Chair, on behalf of ANC 2B, filed timely opposition by letter.

The official records of the Board reflect that the Parties have reached an agreement which has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the Agreement, dated February 28, 2007, the Protestants have agreed to withdraw the protest, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

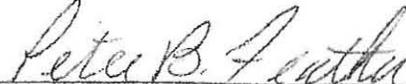
JAH, Inc.
t/a Dragonfly
License No. 25595
Case No. 35509-07/015P
Page Two

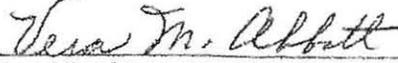
Accordingly, it is this 25th day of July 2007, **ORDERED** that:

1. The protest of ANC 2B is **WITHDRAWN**;
2. The Substantial Change Application of JAH, Inc., t/a Dragonfly, 1215 Connecticut Avenue, N.W., Washington, D.C., for a summer garden endorsement is **GRANTED**;
3. The above-referenced agreement is **INCORPORATED** as part of this Order;
and
4. Copies of this Order shall be sent to the Protestant and the Applicant.

JAH, Inc.
t/a Dragonfly
License No. 25595
Case No. 35509-07/015P
Page Three

District of Columbia
Alcoholic Beverage Control Board


Peter B. Feather, Acting Chairperson


Vera M. Abbott, Member


Judy A. Moy, Member

Audrey E. Thompson, Member


Albert G. Laubel, Member


Mital M. Gandhi, 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.

AMENDMENT TO AGREEMENT

AGREEMENT made this ^{February}~~28~~ day of ~~January~~, 2007, by and between JAH, Inc. t/a Dragonfly ("Applicant") and ADVISORY NEIGHBORHOOD COMMISSION 2B (the "ANC") (Protestant).

WITNESSETH:

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board ("ABC") is Applicant's application for expansion of its CT license for the second floor of premises located at 1215 Connecticut Avenue, N.W. to include a rooftop summer garden; and

WHEREAS, the premises 1215 Connecticut Avenue, N.W. is within the jurisdictional boundaries of the ANC; and

WHEREAS, the parties desire to enter into an Agreement commemorating certain understandings regarding Applicant's request.

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

1. Permission is hereby granted to the Applicant for a substantial change in its operation whereby the Applicant is to expand the second floor usage by adding a rooftop summer garden with seventy-five (75) seats on the rear of the second floor of the premises.

2. Applicant agrees that the music featured in the outdoor area will be soft "lounge" music. There will be no live entertainment, disc jockey, karaoke or otherwise loud performances in the outside area.

3. Should the music level exceed that which is deemed acceptable by St. Matthew's Cathedral, the licensee agrees to meet with their representative to resolve the issue. Applicant agrees that, in the event they are contacted by representatives of St. Matthew's Cathedral indicating that the church has an event, and noise from this space could be intrusive on the church's event, no music will be played during the event.

4. Special considerations will be given to St. Matthew's Cathedral when the Cathedral is hosting major events and St. Matthew's will make an effort to notify the licensee when it is hosting such events.

In consideration of, and in reliance upon, the commitments reflected above, the ANC will recommend to the ABC Board non-objection to Applicant's pending license application.

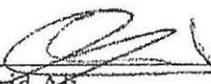
5. The parties further agree that any failure of Applicant to adhere to the foregoing commitments would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 DCMR 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the year and day first above written.

Applicant:
JAH, INC.

ADVISORY NEIGHBORHOOD COMMISSION 2B

By


Farid Ali

By


Chairman, ANC 2B