

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

In the Matter of:)	
DBGA, LLC)	
t/a Dacha Navy Yard)	
Application for Substantial Change (Entertainment Endorsement) to a Retailer's Class CT License)	Case No.: 19-PRO-00099 License No.: ABRA-106040 Order No.: 2019-632
at premises)	
79 Potomac Avenue, SE)	
Washington, D.C. 20003)	

DBGA, LLC, t/a Dacha Navy Yard, Applicant

Commissioner Gail Fast and Dr. Coralie Farlee, on behalf of Advisory Neighborhood Commission (ANC) 6D

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Crockett, Member

**ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT AND
WITHDRAWAL OF ANC 6D'S PROTEST**

The Application filed by DBGA, LLC, t/a Dacha Navy Yard (Applicant), for a Substantial Change to add an Entertainment Endorsement was protested by ANC 6D.

The official records of the Alcoholic Beverage Control Board (Board) reflect that the Applicant and ANC 6D entered into a Settlement Agreement (Agreement), dated June 12, 2017 that governs the operation of the Applicant's establishment. This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement

(Amendment), dated September 9, 2019, in accordance with D.C. Official Code § 25-446 (2001).

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Commissioner Gail Fast and Dr. Coralie Farlee on behalf of ANC 6D, are signatories to the Amendment.

This Amendment constitutes a withdrawal of the Protest filed by ANC 6D.

Accordingly, it is this 11th day of September, 2019, **ORDERED** that:

1. The Application filed by DBGA, LLC, t/a Dacha Navy Yard, for a Substantial Change is **GRANTED**;
2. The Protest of ANC 6D in this matter is hereby **WITHDRAWN**;
3. The above-referenced Amendment to Settlement Agreement submitted by the Parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
4. All terms and conditions of the original Settlement Agreement not amended by the Amendment, shall remain in full force and effect; and
5. Copies of this Order shall be sent to the Applicant and ANC 6D.

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson

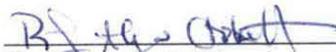


James Short, Member



Bobby Cato, Member

Rema Wahabzadah, Member



Rafi Crockett, 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 14th 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).

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Yard, 79 Potomac Avenue, SE, ABRA #106040 and ANC6D, September 2019

Advisory Neighborhood
Commission 6D

PO Box 71156 • Washington, DC 20024-9998
ANC Office: 202 554-1795 ■ office@anc6d.org

AMENDMENT #1 TO SETTLEMENT AGREEMENT

THIS AMENDMENT #1 TO SETTLEMENT AGREEMENT ("Agreement") is made on this 9th day of September 2019 by and between DCBA LLC t/a Dacha Navy Yard, 79 Potomac Avenue, SE, ABRA #106040 ("Licensee"), and Advisory Neighborhood Commission 6D ("Protestant"), (collectively, the "Parties"). This amendment updates the Agreement dated June 12, 2017 and finalized by ABC Board Order 2017-362 dated June 14, 2017.

WITNESSETH

WHEREAS, Licensee has a License ABRA #106040 Class CT for a business establishment serving spirits, wine, and beer in indoor space and a summer garden and a sidewalk cafe ("Establishment") with no additional endorsements, located at 79 Potomac Avenue, SE, Washington, DC 20003 ("Premises"); and

WHEREAS, original Settlement Agreement dated June 12, 2017 for the Establishment, paragraph #2. "Nature of the Business" indicates "there shall be no Entertainment, dancing, or cover charge endorsements unless approved by the Board with notice to the community as required by D. C. Code 25-421 and 25-422." and

WHEREAS, the Parties request that the Alcoholic Beverage Control Board approve this Amendment to Settlement Agreement conditioned upon the Licensee's compliance with the terms of this written Amendment and the previously executed Settlement Agreement and Board Order and ABRA License; and

NOW, THEREFORE, in consideration of the recitals set forth above, it is mutually understood and agreed by and between the undersigned Parties to amend the previously executed Agreement as follows:

1. *Recitals Incorporated.* The recitals set forth above are incorporated herein by reference.
2. Paragraph #2, "Nature of the Business", the second sentence will be amended to read: "There may be an Entertainment endorsement with the hours as indicated in paragraph #3, below, but no dancing or cover charge endorsements unless approved by the Board with notice to the community as required by D.C. Code § 25-421 and § 25-422."
3. Paragraph #3 "Hours of Operation and Sales", is amended to add the following:

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Hours for Entertainment indoors with the *doors and windows closed* between indoors and outdoors shall not exceed:

Sunday through Thursday: 8:00 a.m. to 2:00 a.m., and
Friday and Saturday: 8:00 a.m. to 3:00 a.m.

Hours for Entertainment indoors with the *doors open* between indoors and outdoors and/or hours for Entertainment outdoors for 15 days per year only shall not exceed:

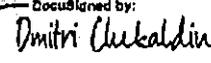
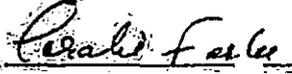
Friday, Saturday, and Sunday: 11:00 a.m. to 9:00 p.m.

The term "Entertainment" includes all sound checks and set-up preparations.

- 4. **Agreement Otherwise Unamended.** Except as otherwise provided herein, the terms and conditions of the previously executed Settlement Agreement, Board Order, and License are expressly reaffirmed and remain in full force and effect.
- 5. **No Protest.** Upon execution of this Agreement by the Parties and its acceptance by the ABC Board, and in reliance thereupon, the ANC shall withdraw its pending protest.

The ANC:

LICENSEE:

Chair, ANC6D	DGBA, LLC t/a Dacha Navy Yard
	DocuSigned by: 
Gail Fast, SMD01	9/9/2019
Chair, ABC Committee, ANC6D	By:  Date
	Dimitri Chekaldin, Managing Member
Coralie Farlee	Date