

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

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| <b>In the Matter of:</b>    | ) |
|                             | ) |
| Atsede Corporation          | ) |
| t/a Nile Market & Kitchen   | ) |
|                             | ) |
| Holder of a                 | ) |
| Retailer's Class CR License | ) |
|                             | ) |
| at premises                 | ) |
| 7815 Georgia Avenue, N.W.   | ) |
| Washington, D.C. 20012      | ) |
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License No. ABRA-060432  
Order No. 2014-298

Atsede Corporation, t/a Nile Market & Kitchen (Licensee)

Karrye Y. Braxton, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 4A

Ronald Austin, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 4B

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

**ORDER ON SETTLEMENT AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Atsede Corporation, t/a Nile Market & Kitchen, (Licensee), ANC 4A, and ANC 4B have entered into a Settlement Agreement (Agreement), dated April 28, 2014, that governs the operation of the Licensee's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Licensee; Chairperson Karrye Y. Braxton, on behalf of ANC

4A; and Chairperson Ronald Austin, on behalf of ANC 4B, are signatories to the Agreement.

Accordingly, it is this 23rd day of July, 2014, **ORDERED** that:

1. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modification:

Section 6 – This Section shall be modified to read as follows: “No objectionable noises, odors or other conditions will be created by the Licensee. Licensee will strictly comply with D.C. Official Code § 25-725. Licensee agrees to keep its doors closed when music is being played inside the establishment but may open its window panels during such times, provided that the music is not audible beyond the street curbside. If necessary, Licensee will take reasonable steps necessary to reduce noise emanating from the opening of entry or exit doors. Licensee will take all reasonable steps to strictly comply with D.C. Regulations concerning noise emanating from the establishment's mechanical equipment.”

The parties have agreed to this modification.

2. This Settlement Agreement replaces and supersedes previous Settlement Agreements between the parties; and
3. Copies of this Order shall be sent to the Licensee, ANC 4A and ANC 4B.

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

AGREEMENT made this <sup>28<sup>th</sup></sup> day of April, 2014, by and between ATSEDE CORPORATION (the Applicant), ADVISORY NEIGHBORHOOD COMMISSION 4A (ANC4A) and ADVISORY NEIGHBORHOOD COMMISSION 4B (ANC 4B).

WITNESSETH:

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board (ABC) is Applicant's request for modification to its class CR license for premises 7815 Georgia Avenue, N.W., ABC Application #50151; and

WHEREAS, the Nile Restaurant and Market is not located in as close proximity to residences unlike most other ABRA-licensed establishments on upper Georgia Avenue NW; and

WHEREAS, the Nile Restaurant and Market has been open for more than 15 years with no evidence of any ABRA-related violations and/or crime/police reports; and

WHEREAS, the parties desire to enter into an agreement amending the previous Voluntary Agreement and setting forth certain understanding regarding Applicant's operation;

NOW, THEREFORE, the Applicant and ANCs 4A and 4B agree to amend the Voluntary Agreement to include the following requirements:

1. The hours of operation for the *restaurant and sidewalk cafe* will be 10 AM to 1 AM Sunday; 10 AM to 12 AM (Midnight), Monday through Thursday, and from 10 AM to 3 AM Friday and Saturday. *HOWEVER, the hours for the sale of alcohol will be from 10 AM to 12:00 AM (Midnight) on Sunday; 10 AM to 11:30 PM Monday through Thursday; and from Noon to 2 AM Friday and Saturday.* Notwithstanding the foregoing, Applicant shall be allowed to stay open the maximum allowable hours on those days when the laws governing ABRA licensed establishments allow for such (e.g., New Year's Eve, Inauguration), provided, however that in no event shall there be food or beverages served on the patio (summer garden) or the sidewalk café after 11:00 p.m. on each day Applicant is open for business on the exception days.
2. Alcoholic beverages may not be carried out of the establishment except for consumption within the outdoor seating areas of the establishment. Food service shall be available until at least two (2) hours before closing.
3. No form of dancing will be allowed.
4. Entertainment (limited to one musician and three vocalists) will be allowed.
5. The limitation of the sale of alcohol with meals is cancelled.
6. The Applicant will ensure that sound levels do not exceed 60 decibels.
7. Applicant shall place "No Loitering" signs on the inside and outside of the establishment. The signs will be clearly visible to patrons and pedestrians.

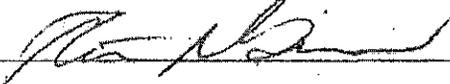
8. The Applicant will comply with its Occupancy Permit.
9. ANC 4B will be added as a participant in the Settlement Agreement.
10. Applicant agrees to work in good faith with the Protestants to resolve any problems arising from the operation of the business.
11. If Applicant or the licensee fails to cure within the 30-day period (or, with respect to a breach which reasonably requires more than 30-days to cure, fails to commence cure of such breach and diligently pursues such cure) failure shall constitute a cause for filing a complaint with the ABC Board pursuant to D.C. Official Code § 25-446(3)).
12. Effective with the signing of this agreement and approval by ABRA, ANC 4A will be removed as a participant in the Settlement Agreement and will serve only as an affected ANC.

In consideration of the above, ANC 4A will advise the ABC Board that it concurs with the amended Settlement Agreement.

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

ATSEDE CORPORATION

Print Name Retta Makonnen

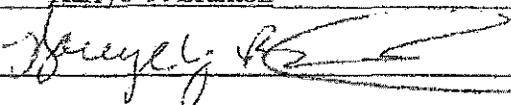
Sign Name 

Title President, Atsede Corporation

Date 4/5/2014

ADVISORY NEIGHBORHOOD COMMISSION 4A

Print Name Karrye Y. Braxton

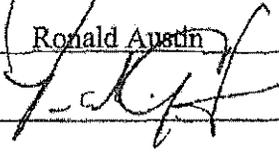
Sign Name 

Title Chair ANC4A

Date April 4, 2014

ADVISORY NEIGHBORHOOD COMMISSION 4B

Print Name Ronald Austin

Sign Name 

Title Chair ANC4B

Date April 28, 2014



## **Advisory Neighborhood Commission 4B**

6856 Eastern Avenue, NW - Suite 314

Washington, DC 20012

202-291-6282 (Office)

*Ron Austin, ANC 4B06, Chairperson; Douglass Sloan, ANC 4B09, Vice Chairperson;*

*Yvonne Jefferson, ANC 4B08, Secretary; Frederick Grant, ANC 4B03, Treasurer;*

*Sam Green, ANC 4B01; Faith Wheeler, ANC 4B02; Brenda Parks, ANC 4B04; Brenda Speaks, ANC 4B05;*

*Judi Jones, ANC 4B07*

April 29, 2014

Hon. Ruthanne Miller  
Chairperson  
Alcoholic Beverage Control Board  
2000 14<sup>th</sup> Street N.W., Suite 400S  
Washington, DC 20009

**ABRA-050151, Nile Restaurant and Market, 7815 Georgia Avenue N.W.,  
Settlement Agreement**

Dear Chairperson Miller:

At its regularly scheduled meeting on April 28, 2014 (notice of which was properly given, and at which a quorum of six of nine members was present) Advisory Neighborhood Commission 4B voted unanimously (6 yes, 0 no) to approve a revised settlement agreement between Nile Restaurant and Market and ANC 4B and ANC 4A.

The authorizing resolution adopted by the Commission and the signed Settlement Agreement are enclosed with this letter.

The Commission submits this resolution and signed agreement under the provisions of DC Code 1-309.10(a) through 1-309.10(h)(1), which require, among other things, that Advisory Neighborhood Commission recommendations be given "great weight" by DC government agencies, that DC government agencies "articulate with particularity and precision the reasons why the Commission does or does not offer persuasive advice under the circumstances. In doing so, the government entity must articulate specific findings and conclusions with respect to each issue and concern raised by the Commission."

Sincerely,

Ronald Austin, ANC 4B06  
Chairperson

cc: Hon. Muriel Bowser, Councilmember, Ward 4  
Commissioners, ANC 4B  
Commissioner Karrye Y. Braxton, Chairperson, ANC 4A  
Mr. Retta Makonnen, Owner, Nile Restaurant and Market  
Mr. Gottlieb Simon, Executive Director, Office of Advisory Neighborhood Commission  
Ms. Janene Jackson, Executive Office of the Mayor

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**Advisory Neighborhood Commission 4B**  
Government of the District of Columbia  
6856 Eastern Avenue, NW - Suite 314  
Washington, DC 20012

**RESOLUTION #14-0402**  
**Approving a Settlement Agreement**  
**with Nile Market, 7815 Georgia Avenue N.W.**  
**Adopted April 28, 2014**

**RESOLVED:**

Advisory Neighborhood Commission 4B agrees to become a signatory to the attached revised Settlement Agreement with Nile Market, 7815 Georgia Avenue N.W., ABRA #50151.

**ADOPTED** unanimously by show-of-hands vote at a regular public meeting (notice of which was properly given, and at which a quorum of six of nine members was present) on April 28, 2014, by a vote of 6 yes, 0 no.