

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

In the Matter of:)	
)	
Fourth Street Dining, Inc.)	
t/a Ottoman Taverna)	
)	
Applicant for a New)	License No. ABRA-097651
Retailer's Class CR License)	Order No. 2015-103
)	
at premises)	
425 I Street, N.W.)	
Washington, D.C. 20001)	

Fourth Street Dining, Inc., t/a Ottoman Taverna (Applicant)

Marge Maceda, Chairperson, Advisory Neighborhood Commission (ANC) 6E

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 Fourth Street Dining, Inc., t/a Ottoman Taverna, Applicant for a new Retailer's Class CR License, located at 425 I Street, N.W., Washington, D.C., and ANC 6E have entered into a Settlement Agreement (Agreement), dated March 3, 2015, that governs the operation of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Marge Maceda, on behalf of ANC 6E, are signatories to the Agreement.

Accordingly, it is this 18th day of March, 2015, **ORDERED** that:

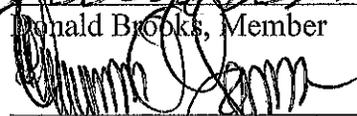
1. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
2. Copies of this Order shall be sent to the Applicant and ANC 6E.

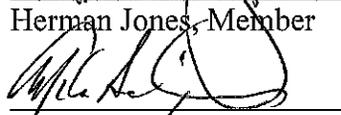
District of Columbia
Alcoholic Beverage Control Board

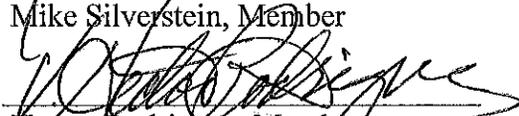

Ruthanne Miller, Chairperson

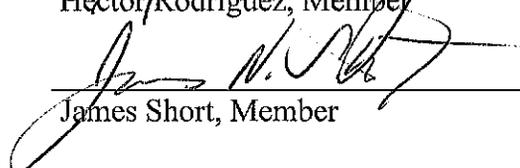

Nick Alberti, Member


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 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).

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is made on this 3rd day of March 2015 by and between Fourth Street Dining, Inc., t/a Ottoman Taverna, 425 I Street, NW, Washington, DC, ABRA License #097651 ("Applicant"), and Advisory Neighborhood Commission 6E ("ANC 6E"), (collectively, "the Parties").

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WHEREAS, Applicant has applied for a Class CR license for restaurant (" the Establishment") with a sidewalk café and an entertainment endorsement to be located at 425 I Street, NW Washington, DC, ("the Premises"); and,

WHEREAS, the Parties are desirous of entering into a Settlement Agreement pursuant to D.C. Official Code § 25-446 governing certain aspects of the operation and maintenance of the Establishment in such a manner as to minimize the potential for negative effects of the Establishment on the surrounding neighborhood; and

WHEREAS, in lieu of contested proceedings the Parties have agreed to enter into this Agreement and request that the Alcoholic Beverage Control Board ("ABC Board") incorporate the terms of this Agreement into the ABC license to be issued;

NOW, THEREFORE, in consideration of the recitals set forth above and the mutual covenants and conditions set forth below, the Parties agree as follows:

1. ***Recitals Incorporated.*** The recitals set forth above are incorporated herein by reference.
2. ***Nature of the Business.*** The applicant will manage and operate a restaurant with indoor seating to be governed by its Certificate of Occupancy and a sidewalk café with seating to be determined by its public space permit.

3. ***Hours of Operation/Entertainment.***

- (a) **The applicant's hours of operation of the Establishment and the hours of sale and service of alcohol and entertainment in the interior of the Establishment shall be:**

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

Provided, however, (1) on days designated by the DC ABC Board as "extended Hours for ABC Establishments" Applicant may serve alcoholic beverages for one additional hour (that is, one hour later in the morning); (2) in the event the Council of the District of Columbia or the ABC Board grant licensees in general extended operating hours for particular events Applicant may avail itself of such extended hours; (3) on January 1 of each year Applicant may serve alcoholic beverages and provide entertainment until 4 am

(b) The applicant's hours of operation of the establishment and hours of sale and service of alcoholic beverages on the Sidewalk Café, shall be:

Sunday through Saturday 11:00 a.m. to 12:00 a.m. No music or other form of entertainment, live or recorded, shall be permitted on the sidewalk café.

(c) Live entertainment on the interior of the Establishment shall be limited as follows:

(1) Entertainment at Saturday and Sunday Brunch and on New Year's Eve is unrestricted;

(2) Entertainment at private events (not open to the general public) is limited to no more than twelve (12) occasions in a calendar year. In addition, Applicant may avail itself of not more than six (6) one day substantial change applications within a calendar year should the 12 private events cap be reached during that year.

(3) Applicant will maintain a log identifying the dates of private events held where live entertainment is provided and shall make such log available upon request by any representative of the ABC Board.

4. *Valet Parking.* Applicant may offer valet parking to its evening customers. To the extent that valet parking indeed is offered, such service shall be conducted in strict conformance with District of Columbia law (including the requirement that vehicles be parked at off-street locations).

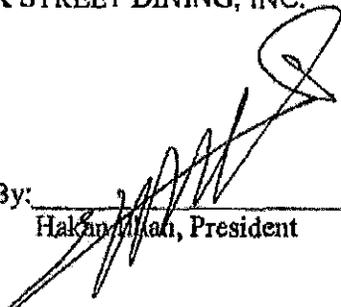
5. *Exterior of Establishment.* The exterior of the Premises, including the adjacent public sidewalk, shall be maintained in a neat, clean and orderly manner. Applicant shall provide a receptacle for disposal of cigarettes.

6. *Incorporation of Agreement into License.* The parties request that ABC Board enter an order approving Applicant's license application subject to the terms of this Agreement.

ADVISORY NEIGHBORHOOD
COMMISSION 6E:

By: 
Marge Maceda, Chairman

K STREET DINING, INC.

By: 
Hakon Wilian, President