

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

In the Matter of:)

Kovaler, LLC)
t/a Veranda)

Applicant for Substantial Change)
(Class Change))
to a Retailer's Class CR License)

Case No. 15-PRO-00085
License No. ABRA-073443
Order No. 2015-543

at premises)
1100 P Street, N.W.)
Washington, D.C. 20005)

Kovaler, LLC, t/a Veranda (Applicant)

John Fanning, Chairperson, Advisory Neighborhood Commission (ANC) 2F

Roger L. McClung, Sofia Ellis, Negin Shakibi, Robert Simpson, Mary L. Brown, Wilbur Allen,
Ken Adams, and Tomas Snoreck (Group of Residents)

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

**ORDER ON SECOND AMENDMENT TO SETTLEMENT AGREEMENT AND
WITHDRAWAL OF ANC 2F'S PROTEST**

The Application filed by Kovaler, LLC, t/a Veranda, for a Substantial Change to change its Class from a Retailer's Class CR License to a Retailer's Class CT License located at 1100 P Street, N.W., Washington D.C., having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on September 4, 2015, and Protest Status Hearing on October 21 2015, in accordance with D.C. Official Code § 25-601 (2001).

The official records of the Board reflect that the Applicant, ANC 2F, and a Group of Residents entered into Settlement Agreement (Agreement), dated December 19, 2005, and an Amendment to Settlement Agreement (Amendment), dated May 4, 2011, that governs the

operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Second Amendment to Settlement Agreement (Second Amendment), dated October 8, 2015, in accordance with D.C. Official Code § 25-446 (2001).

The Second Amendment has been reduced to writing and has been properly executed and filed with the Board. The Applicant; Chairperson John Fanning, on behalf of ANC 2F; and Roger L. McClung, Sofia Ellis, Negin Shakibi, Robert Simpson, Mary L. Brown, Wilbur Allen, Ken Adams, and Tomas Snoreck; are signatories to the Second Amendment.

This Second Amendment constitutes a withdrawal of the Protest filed by ANC 2F.

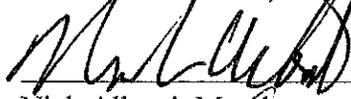
Accordingly, it is this 18th day of November, 2015, **ORDERED** that:

1. The Application filed by Kovaler, LLC, t/a Veranda, for a Substantial Change to change its Class from a Retailer's Class CR License to a Retailer's Class CT License located at 1100 P Street, N.W., Washington D.C., is **GRANTED**;
2. The Protest of ANC 2F in this matter is hereby **DISMISSED**;
3. The above-referenced Second Amendment to Settlement Agreement, signed on October 8, 2015, 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 Agreement and Amendment, not amended by the Second Amendment, shall remain in full force and effect; and
5. Copies of this Order shall be sent to the Applicant, ANC 2F, and the Group of Residents.

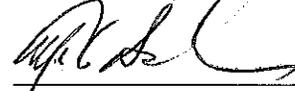
District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



Nick Alberti, Member



Mike Silverstein, Member



Ruthanne Miller, Member



James Short, 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).

AMENDMENT TO VOLUNTARY AGREEMENT

THIS AMENDMENT TO VOLUNTARY AGREEMENT ("Amendment") is made this 8th day of October 2015, by and between Kovaler, LLC t/a Veranda ("Licensee"), ANC2F, and a group of residents of 1100 P St. NW: Mary L. Brown, Roger McClung, Sofia Ellis, Wilbur Allen, Robert Simpson, Ken Adams, Negin Shakibi, and Tomás Snorek ("Residential Group").

WITNESSETH

WHEREAS, Licensee holds a retailers license Class C Restaurant (Application Number 61014, License Number 73443) for the premises at 1100 P Street, N.W., Washington, D.C.; and,

WHEREAS, the Licensee has applied to change the license class for the premises to a Class C Tavern License (Application Number _____, License 073443); and,

WHEREAS, the Licensee and the Residential Group entered into a Voluntary Agreement dated December 19, 2005, which agreement was approved by the Alcoholic Beverage Control Board and is in full force and effect; and,

WHEREAS, ANC 2F was added as a party to the Voluntary Agreement when the Voluntary Agreement was amended in 2011; and,

WHEREAS, ANC 2F and the Residential Group, having determined that the operations of Licensee are not in breach of the Voluntary Agreement; and,

NOW, THEREFORE, in consideration of the recitals set forth above, and other good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the parties agree as follows:

1. Recitals Incorporated. The recitals set forth above are incorporated herein by reference.
2. The following sentences in the Voluntary Agreement are amended to reflect the change in license class:
 - a. Section 3 "Nature of the Business" should be changed to: "The Applicant shall manage and operate a tavern as defined by Title 25 of the D.C. Code, Section 25-101(52). A future decision to change its business model in a manner that would not conform with the tavern definition, or a future offering requiring an entertainment endorsement, shall be subject to the appropriate approvals from the Alcohol Beverage Regulation Administration and/or the ABC Board prior to making such changes."
3. The following sentence shall be added to Section 3 of the Voluntary Agreement at the conclusion of that section:
 - a. The parties agree that the Licensee shall not designate a portion of the tavern's interior as a dance floor.
4. The following sentences shall be added to Section 10 of the Voluntary Agreement, in place of the first sentence of that Section:
 - a. Applicant agrees to limit occupancy on its sidewalk café to 60.
Applicant further agrees that patrons on the sidewalk café will not be served alcohol, unless they are seated. Notwithstanding anything contained herein to the contrary, during special events the Applicant may serve alcohol to patrons on the sidewalk café who are not seated. Special events will be defined as private or ticketed events which are booked in advance including but not limited to fundraisers, engagement parties, and receptions.

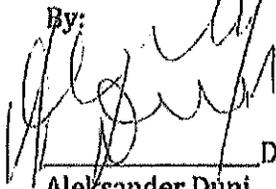
- b. Applicant agrees that the sidewalk café shall not be used or occupied prior to 10:30 in the morning for any circumstances, including a special event.
- 5. The following sentence shall be added to Section 11 of the Voluntary Agreement, in place of the last sentence in that Section:
 - a. Applicant agrees that with respect to the sidewalk café, no music shall be used.
- 6. Agreement in Effect. Except as otherwise specifically provided herein, the Voluntary Agreement and prior Amendment remains in full force and effect.
- 5. Counterparts. This Amendment may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

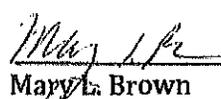
IN WITNESS WHEREOF, the parties have executed this Amendment as of the date of first above written.

[SIGNATURES APPEAR ON NEXT PAGE]

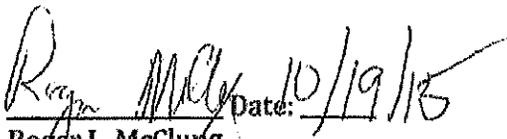
LICENSEE

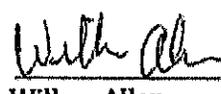
Kovaler LLC T/A Veranda

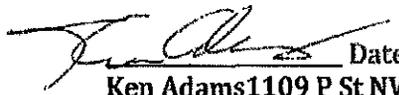
By:  Date: 10/19/15
Aleksander Duni

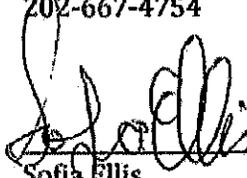
 Date: 10/19/15
Mary L. Brown
1110 P St NW
Washington DC 20005
202-657-4754

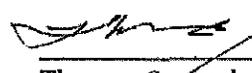
RESIDENTIAL GROUP

 Date: 10/19/15
Roger L. McClung
1110 P St NW
Washington DC 20005
202-667-4754

 Date: 10/21/2015
Wilbur Allen
1116 P St NW
Washington DC 20005
202-253-8523

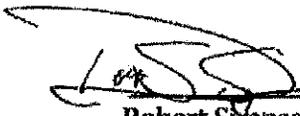
 Date: 10/22/15
Ken Adams 1109 P St NW
Washington DC 20005
202-299-0809

 Date: 10/20/15
Sofia Ellis
1112 P St NW
Washington DC 20005
202-412-3578

 Date: 2015.10.22
Thomas Snoreck
1105 P St NW
Washington DC 20005
202-387-2150

 Date: 10/22/15
Negin Shakibi
1109 P St NW
Washington DC 20005
202-299-0809

ANC 2F
Advisory Neighborhood Commission
By:

 Date: 10.26.15
Robert Simpson
1107 P St NW
Washington DC 20005
202-234-2940

 Date: 11/8/15
John J. Fanning, Chairman