

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

In the Matter of:

Bistro, Inc.
t/a French Bistro Bistro B Lounge

Applicant for Substantial Change
(Sidewalk Café)
Retailer's Class CT License

at premises
1727 Connecticut Avenue, N.W.
Washington, D.C. 20009

Case No.: 16-PRO-00080
License No.: ABRA-081479
Order No.: 2016-474

Bistro, Inc., t/a French Bistro Bistro B Lounge (Applicant)

Nicole Mann, Chairperson, Advisory Neighborhood Commission (ANC) 2B

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

**ORDER ON SETTLEMENT AGREEMENT AND
WITHDRAWAL OF ANC 2B'S PROTEST**

The Application filed by Bistro, Inc., t/a French Bistro Bistro B Lounge, for a Substantial Change to include a Sidewalk Café to its Retailer's Class CT License, was protested by ANC 2B.

The official records of the Board reflect that the Applicant and ANC 2B have entered into a Settlement Agreement (Agreement), dated July 19, 2016, 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 Nicole Mann and Commissioner Amy S. Johnson, on behalf of ANC 2B, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by ANC 2B.

Accordingly, it is this 3rd day of August, 2016, **ORDERED** that:

1. The Application filed by Bistro, Inc., t/a French Bistro Bistro B Lounge, for a Substantial Change to include a Sidewalk Café to its Retailer's Class CT License, located at 1727 Connecticut Avenue, N.W., Washington, D.C., is **GRANTED**;
2. The Protest of ANC 2B in this matter is hereby **DISMISSED**;
3. The above-referenced Settlement Agreement, dated January 5, 2016, submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modifications:

Section 9 (Rats and Vermin Control) – The second sentence shall be modified to read as follows: “Applicant shall provide proof of its rat and vermin control contract to the ABC Board upon request.”

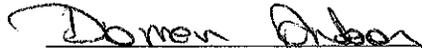
Section 10 (License Ownership and Compliance with ABRA Regulations) – The following language shall be removed: “Applicant also specifically agrees to be the sole owner of the ABC license.”

Section 11 (Notice and Opportunity to Cure) – The third sentence shall be modified to read as follows: “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 cause for filing a complaint with the ABC Board pursuant to D.C. Official Code § 25-447.”

The parties have agreed to these modifications.

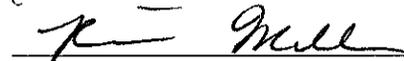
4. Copies of this Order shall be sent to the Applicant and ANC 2B.

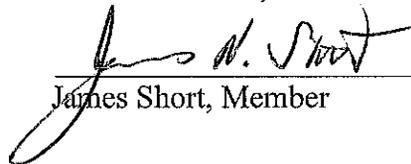
District of Columbia
Alcoholic Beverage Control Board


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).

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is made on this 19th day of July, 2016 by and between Bistro Inc. t/a French Bistro Bistro B Lounge, License #ABRA-081479 ("Applicant"), and Advisory Neighborhood Commission 2B ("Protestant"), (collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant has applied for a Substantial Change (Sidewalk Café Endorsement) to License Class Retailer's Class "C" Tavern License Number ABRA-081479 for a business establishment ("Establishment") located at 1727 Connecticut Avenue, NW, Washington, D.C. ("Premises");

WHEREAS, Protestant is Advisory Neighborhood Commission 2B, who filed a timely protest (the "Protest") against the substantial change to the Applicant's license application pursuant to D.C. Official Code § 25-601(1) and 601(4), respectively;

WHEREAS, the Parties wish to update the Voluntary Agreement dated May 9, 2009;

WHEREAS, the Parties have agreed to enter into this Agreement and request that the Alcoholic Beverage Control Board ("ABC Board") approve the substantial change to the Applicant's license application conditioned upon the Applicant's compliance with the terms of this written Agreement; and

WHEREAS, the Parties are desirous of entering into a Settlement Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to minimize the effect on peace, order, and quiet of the neighborhood and adverse impact on pedestrian safety in the neighborhood, and to eliminate the need for a Protest Hearing regarding the license application.

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 Retailer's Class "C" Tavern with an emphasis on food, disc jockey and a variety of live entertainment, as noted below. Any change from this model shall be considered by both Parties to be a substantial change in operation of great concern to residents and requires prior approval by the ABC Board.

3. ***Hours of Operation and Sales.*** The Applicant's general hours of operation shall be as follows:

Sunday 8:00 a.m.– 12:00a.m.,
Monday through Thursday 9:00a.m.– 12:00a.m.,
Friday and Saturday 9:00a.m.– 1:00a.m.

The Applicant's hours for selling and serving alcohol inside the premises shall be as follows:

Sunday 9:00a.m.– 12:00a.m.,
Monday through Thursday 9:00a.m.– 12:00a.m.,
Friday and Saturday 9:00a.m. – 1:00a.m.

The applicant may comply with extended legal hours on legal holidays.

4. ***Floors Utilized and Occupancy.*** The Applicant will operate its establishment on the first floor of the building and the second floor outside patio. The second floor patio shall be closed at midnight and customers shall not be permitted to use the patio once it is closed. The maximum occupancy of the interior shall not exceed 277 patrons.

5. ***Parking/Valet Arrangements.*** It is a principal concern of the Protestants that the Applicant's operation of the Establishment does not create or exacerbate parking problems within the ANC boundaries. The applicant does not currently have an agreement to provide parking for its patrons; however, if and when such an agreement is entered into, the ANC may seek to renegotiate this Agreement.

6. ***Sidewalk Café.*** Applicant holds an active Public Space permit for a sidewalk café seating up to 8 patrons. Protestant does not object to the 8 seat patron limit as detailed in the approved permit diagram. Applicant agrees that it shall not seek to expand the capacity of the sidewalk café without amendment of this Agreement. Applicant will direct that its employees inspect the sidewalk café at least once each hour to ensure its cleanliness. The sidewalk café shall close – with all food, beverage and alcohol service ending - and patrons will vacate the public space of the sidewalk café each day of the week no later than 12:00am.

7. ***Noise and Privacy.*** Applicant will strictly comply with D.C. Official Code § 25-725 and to that end shall make architectural improvements to the property and take all necessary actions to ensure that music, noise and vibration from the Establishment are not audible within the adjacent residential properties. Applicant agrees to keep its doors and windows closed when live music is being played at the establishment. If necessary, Applicant will take reasonable steps to reduce noise emanating from the Establishment from the opening of the entry or exit doors. As the Establishment backs onto a concentrated residential area of 20th Street between R and S Streets, Applicant agrees to closely monitor and, when necessary, specifically control noise levels on 20th Street. The rear door on 20th Street will be used only for deliveries, employees placing trash and recycling in appropriate

Attn: Jamal Bouzid
Tel. (202) 328-1640

If to Protestants: Advisory Neighborhood Commission 2B
9 Dupont Circle, NW
Washington, DC 20036
Attn: Amy Johnson
Tel. (202) 810-5311

Failure to give notice shall not constitute waiver or acquiescence to the violation, but notice shall be a prerequisite to the filing of a complaint with the ABC Board or any other enforcement action.

14. *Withdrawal of Protest.* Upon execution of this Agreement by the Parties and its acceptance by the ABC Board, Protestants shall withdraw the Protest.

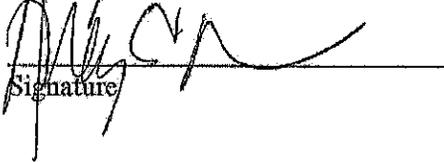
PROTESTANT:

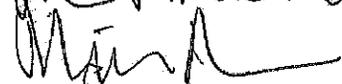
Advisory Neighborhood Commission 2B

Protestant's Name

Amy S. Johnson 2801

Printed Name of Commissioner


Signature

Nicole Mann 2808


APPLICANT:

French Bistro Bistro B Lounge

Establishment's Name

Jamal E Bouzid owner

Printed Name and Title


Signature