

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

In the Matter of:)	
Yfe, Inc.)	
t/a 18th Street Lounge)	
Holder of a)	License No. ABRA-021211
Retailer's Class CT License)	Order No. 2014-369
at premises)	
1212 18 th Street, N.W.)	
Washington, D.C. 20036)	

Yfe, Inc., t/a 18th Street Lounge (Licensee)

Noah Smith, Chairperson, Advisory Neighborhood Commission (ANC) 2B

Carl Nelson, on behalf of A Group of Five Citizens from the Palladium Condominium
(Group of Residents)

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 Yfe, Inc., t/a 18th Street Lounge (Licensee), ANC 2B, and a Group of Residents have entered into a Settlement Agreement (Agreement), dated September 17, 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 Noah Smith, on behalf of ANC 2B; and Carl Nelson, on behalf of the Group of Residents; are signatories to the Agreement.

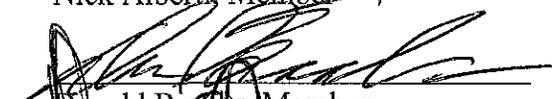
Accordingly, it is this 8th day of October, 2014, **ORDERED** that:

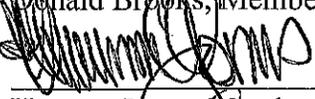
1. The above-referenced Settlement Agreement submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. This Agreement intends to be a Settlement Agreement rather than an Amendment to Voluntary Agreement; and
3. Copies of this Order shall be sent to the Licensee, ANC 2B, and Carl Nelson, on behalf of the Group of Residents.

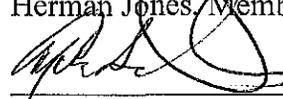
District of Columbia
Alcoholic Beverage Control Board

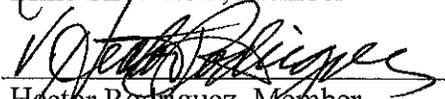

Ruthanne Miller, Chairperson

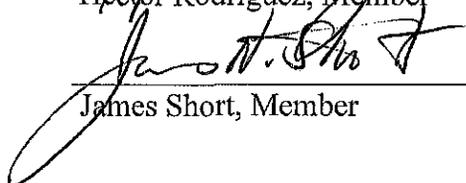

Nick Alberti, Member


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, 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).

AMENDMENT TO VOLUNTARY AGREEMENT

"NOISE COMPLIANCE PLAN"

THIS SETTLEMENT AGREEMENT ("Agreement") is by and between, YFE, Inc. ("Licensee"), the Group of Five Citizens from the Palladium Condominium ("Residents"), and Advisory Neighborhood Commission ANC2B ("ANC 2B") (collectively, "Parties"). Any existing Agreement shall remain in force, except that this Agreement shall supersede provisions relating to noise abatement.

t/a 18th Street
Lounge
21211

WHEREAS, Licensee has applied for a renewal of license Class CT for a business establishment ("Establishment");

WHEREAS, the Residents and ANC 2B filed timely protest against the renewal of Licensee's license pursuant to D.C. Official Code § 25-601(4);

WHEREAS, the Parties have agreed to the terms of this Agreement and request that the Alcoholic Beverage Control Board ("ABC Board") approve the renewal of said license conditioned upon the Licensee's compliance with this Agreement;

WHEREAS, the Parties desire to settle the protest pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment;

WHEREAS, the levels of amplified sound emanating from District of Columbia nightclubs individually and collectively has risen in recent years to the point that local residents are complaining that the noise is entering their homes, interfering with the quiet enjoyment of their homes, disturbing their sleep, and negatively impacting their property values;

WHEREAS, the District of Columbia Noise Control Act and regulations at section 25-725, as amended, requires nightclubs to contain amplified sound;

WHEREAS, Licensee recognizes that compliance with the Noise Control Act is of paramount importance to current and future residents, and is essential to the District's plan to increase mixed use and population density;

NOW, THEREFORE, the Parties agree as follows:

1. Noise abatement: Licensee agrees to employ sufficient noise abatement measures to ensure that the level of amplified music produced by the establishment (if any) complies with applicable law and cannot be heard outside the club within 75 feet.
2. Doors and windows: Licensee will make reasonable efforts to keep doors and windows closed, and implement procedures and mitigation measures to prevent noise from escaping from doors when patrons enter and leave.
3. Outdoor spaces: Licensee agrees to minimize amplified music in outdoor spaces so that it cannot be heard by residents. In an effort to mitigate the amplified music heard by residents the Licensee has: (1) Insulated all speakers from floors and walls; (2) Installed sound mitigation panels across the ceiling to absorb, and prevent sound from

escaping; (3) Changed speakers direction away from alley and (4) took out the lowest sound frequency from the sub woofers to prevent bass in the alley.

4. Compliance: Licensee agrees that:

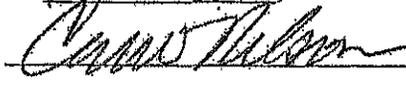
- a. Licensee agrees to promptly lower amplified sound levels when it determines, or is informed, that sound levels are too high. The Licensee will be on notice that sound levels are too high if any of the following situations occurs:
 - i. Amplified music can be heard 75 feet from the establishment;
 - ii. Music can be heard inside residences;
 - iii. Residents have complained;
 - iv. District Officials have notified the Licensee of complaints.

5. Continuing cooperation:

- a. Licensee will provide the Parties the name and phone number of the general manager, who is responsible for compliance. If residents contact this person, he/she will immediately determine whether sound levels are too high – and if so, promptly lower sound levels as needed to comply with this Agreement and the Noise Control Act. The Licensee will have 24 hours to respond to any noise complaints. The Licensee shall have thirty (30) days to cure sound level problems by establishing lower levels, adding additional sound abating materials, and/or developing policies to ensure ongoing compliance with this Agreement.
 - b. Licensee will make good faith efforts to cooperate with other establishments to ensure that collective noise levels comply with the Noise Control Act.
6. Counterparts: This Agreement may be executed in counterparts, each of which shall be deemed as original, but all together shall constitute the same instrument.
7. Withdrawal of protest: upon execution of this Agreement and its acceptance by the ABC Board, the protest of the Licensee's application for license filed by the Parties hereto shall be deemed withdrawn.

Executed on this date, September 17, 2014

By:  Date: Sept 17/2014
David Noun, Owner

By:  Date: Sep 17, 2014
Carl Nelson, Resident Representative

By: Noah Smith
Noah Smith, Chair, ANC 2B

Date: 9/18/14

For 18th Street Lounge

ABRA # 21211