

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

In the Matter of:

JAH, Inc.

t/a Dragonfly

Substantial Change Application for a

Retailer's Class CT License –

at premises

1215 Connecticut Ave., N.W.

Washington, D.C.

) License No.: 25595

) Case No.: 35509-07/015P

) Order No.: 2007-041

Dimitri Mallios, Esquire, on behalf of the Applicant, JAH, Inc.

Commissioner Darren A. Bowie, Chair, on behalf of Advisory Neighborhood
Commission 2B ("ANC 2B"), Protestant

BEFORE: Peter B. Feather, Acting Chairperson

Vera M. Abbott, Member

Judy A. Moy, Member

Audrey E. Thompson, Member

Albert G. Lauber, Member

Mital M. Gandhi, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST

The Substantial Change Application for a summer garden endorsement, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call hearing on January 24, 2007, in accordance with D.C. Official Code § 25-601 (2001). Commissioner Darren A. Bowie, Chair, on behalf of ANC 2B, filed timely opposition by letter.

The official records of the Board reflect that the Parties have reached an agreement which has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the Agreement, dated February 28, 2007, the Protestants have agreed to withdraw the protest, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

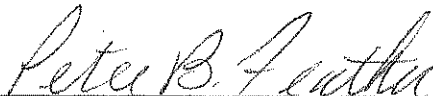
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Accordingly, it is this 25th day of July 2007, **ORDERED** that:


1. The protest of ANC 2B is **WITHDRAWN**;
2. The Substantial Change Application of JAH, Inc., t/a Dragonfly, 1215 Connecticut Avenue, N.W., Washington, D.C., for a summer garden endorsement is **GRANTED**;
3. The above-referenced agreement is **INCORPORATED** as part of this Order;
and
4. Copies of this Order shall be sent to the Protestant and the Applicant.

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District of Columbia
Alcoholic Beverage Control Board


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Pursuant to 23 DCMR § 1719.1 (April 2004), 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, 941 North Capitol Street, N.E., Suite 7200, Washington, D.C. 20002.

AMENDMENT TO AGREEMENT

AGREEMENT made this ^{February} ~~28~~ day of ~~January~~, 2007, by and between JAH, Inc. t/a Dragonfly ("Applicant") and ADVISORY NEIGHBORHOOD COMMISSION 2B (the "ANC") (Protestant).

WITNESSETH:

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board ("ABC") is Applicant's application for expansion of its CT license for the second floor of premises located at 1215 Connecticut Avenue, N.W. to include a rooftop summer garden; and

WHEREAS, the premises 1215 Connecticut Avenue, N.W. is within the jurisdictional boundaries of the ANC; and

WHEREAS, the parties desire to enter into an Agreement commemorating certain understandings regarding Applicant's request.

NOW, THEREFORE, in consideration of the premises above recited, and the mutual covenants and promises set forth below, the parties agree as follows:

1. Permission is hereby granted to the Applicant for a substantial change in its operation whereby the Applicant is to expand the second floor usage by adding a rooftop summer garden with seventy-five (75) seats on the rear of the second floor of the premises.

2. Applicant agrees that the music featured in the outdoor area will be soft "lounge" music. There will be no live entertainment, disc jockey, karaoke or otherwise loud performances in the outside area.

3. Should the music level exceed that which is deemed acceptable by St. Matthew's Cathedral, the licensee agrees to meet with their representative to resolve the issue. Applicant agrees that, in the event they are contacted by representatives of St. Matthew's Cathedral indicating that the church has an event, and noise from this space could be intrusive on the church's event, no music will be played during the event.

4. Special considerations will be given to St. Matthew's Cathedral when the Cathedral is hosting major events and St. Matthew's will make an effort to notify the licensee when it is hosting such events.

In consideration of, and in reliance upon, the commitments reflected above, the ANC will recommend to the ABC Board non-objection to Applicant's pending license application.

5. The parties further agree that any failure of Applicant to adhere to the foregoing commitments would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 DCMR 1513.5.

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

Applicant:
JAH, INC.

ADVISORY NEIGHBORHOOD COMMISSION 2B

By


Farid Ali

By


Chairman, ANC 2B