

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

In the Matter of:)
)
Odalys Restaurant, LLC)
t/a Odalys Restaurant)
)
Holder of a)
Retailer’s Class CR License)
)
at premises)
1200 Kennedy Street, NW)
Washington, D.C. 20011)
)

License No.: ABRA-097025
Order No.: 2019-707

Odalys Restaurant, LLC, t/a Odalys Restaurant, Licensee

Charlotte Nugent, Commissioner, Advisory Neighborhood Commission (ANC) 4C

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Crockett, Member

ORDER ON SETTLEMENT AGREEMENT

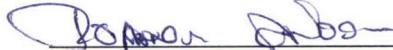
The official records of the Alcoholic Beverage Control Board (Board) reflect that Odalys Restaurant, LLC, t/a Odalys Restaurant (Licensee), and ANC 4C have entered into a Settlement Agreement (Agreement), dated October 9, 2019, that governs the operation of the Licensee’s establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Commissioner Charlotte Nugent, on behalf of ANC 4C, are signatories to the Agreement.

Accordingly, it is this 23rd day of October, 2019, **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; and
2. Copies of this Order shall be sent to the Licensee and ANC 4C.

District of Columbia
Alcoholic Beverage Control Board



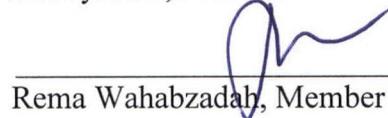
Donovan Anderson, Chairperson



James Short, Member



Bobby Cato, Member



Rema Wahabzadah, Member

Rafi Crockett, 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 9 day of **October, 2019**, by and between Odalys Restaurant ("Applicant") and Advisory Neighborhood Commission 4C (Collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant's application for premises, 1200 Kennedy St NW, Washington, DC, 20011, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC),

WHEREAS, the premises are within the boundaries of ANC 4C,

WHEREAS, the Parties desire to enter into an agreement governing certain understandings regarding the Restaurant C license at the subject premises,

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 promote the peace, order and quiet of the neighborhood. Both parties recognize the importance of business neighborhoods that are safe, clean, and pedestrian-friendly,

NOW, THEREFORE, 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 C license at the listed address. The license shall have indoor seating of not more than 49, with a Total Occupancy Load of 56.
- 3. Hours of Operation and Sales.** The Applicant's hours of operation shall be as follows: Sunday through Thursday, 7 a.m. – 2 a.m., and Friday-Saturday, 7 a.m. – 3 a.m.

Alcohol sales shall be limited to:

Sunday through Thursday 8 a.m. – 2 a.m., and Friday-Saturday, 8 a.m. – 3 a.m.

Provided, however, (1) on days designated by the DC ABC Board as "Extended Hours for ABC Establishments" Applicant may operate and serve alcohol for such hour(s); (2) in the event the Council of the District of Columbia or the DC ABC Board grant licensees in general extended operating hours (such as Inauguration or World Cup) Applicant may avail itself of such extended hours; and (3) on January 1 of each year Applicant may serve alcoholic beverages until 4 a.m.

- 4. Outdoor Seating.** Applicant will ensure patrons do not block sidewalk

passage. Applicant will direct that its employees inspect the sidewalk on a regular basis to ensure its cleanliness. Applicant will follow DDOT's regulations on the operation of sidewalk cafes, as provided for in Chapter 24 of Title 3 of District of Columbia Municipal Regulations.

5. Noise and Privacy. Applicant will strictly comply with D.C. Official Code § 25-725 and will take actions, as necessary, to ensure that music, amplified sound and vibration from indoor live entertainment at the Establishment (including patrons, and including both public and private events) are not audible outside the establishment at any time. Applicant may open window panels when music is being played inside the establishment, provided that the music is not audible beyond the street curbside.

Applicant will actively work to maintain peace and quiet of patrons after leaving the business and not serving patrons who have a pattern of having produced noise, waste, or unruly behavior.

6. Public Space and Trash. Applicant shall keep the sidewalk, tree boxes and curb clean and free of litter, bottles, and other debris in compliance with D.C. Code and Municipal Regulations. Applicant shall police these areas sufficiently to ensure that refuse and other materials are promptly removed. Applicant will make ongoing efforts to make sure the sidewalk areas are attractive and enhance the neighborhood.

Applicant shall ensure that the area around the dumpster is kept clean at all times and the dumpster is placed such that it does not encroach on the abutting property owners and that no garbage is placed on the abutting property. Applicant will ensure timely disposal no less than three (3) times per week that is the least disruptive to the neighbors. Commercial trash pickup in residential areas takes place between 7 a.m.-7 p.m.

7. Rats and Vermin Control. The Applicant shall provide rat and vermin control for its property. Applicant shall have the establishment and the area around the premises properly cleaned at the end of each night to ensure that there are not garbage and odors present the following morning.

8. Access to Public Alley, Garage and Parking. The Applicant shall ensure that its employees park in legally authorized locations. The Applicant further agrees not to accept deliveries from or provide products for pick-up to vendors (e.g., UberEats) who park illegally.

9. Security Cooperation in Stemming Illegal Drugs and Public Drinking. Applicant agrees that it shall take all necessary steps to minimize such problems, including, without limitation, designating a sufficient number of employees to assure adequate security and to control unruly patrons, whether inside or in the immediate outside area; monitoring for and prohibiting sales or use of illegal drugs within or about the premises, maintaining contact and

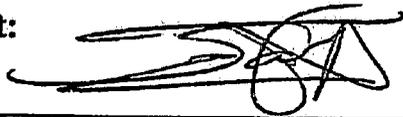
cooperating with the Metropolitan Police Department (MPD) and other enforcement officials when known or suspected drug activities occur. Applicant shall to the full extent permissible by law discourage loitering in the vicinity of the premises. Applicant shall to the full extent permissible by law discourage smoking in the vicinity of the premises.

Applicant will maintain in working order at all times security cameras that entirely cover the interior of the restaurant and the sidewalk and front yard of the property. The footage from these cameras shall be kept for at least a month and be made available easily and quickly during business hours to MPD and the Alcoholic Beverage Regulations Administration (ABRA).

10. Compliance with ABRA Regulations. Applicant promises that it shall abide by all ABRA regulations regarding the ownership of the license and all other provisions applicable to liquor licensees.

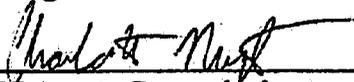
In witness whereof, the parties have executed this Settlement Agreement as of the day and date first written above.

Applicant:



Jose Argueta, Owner, Odalis Restaurant

Advisory Neighborhood Commission 4C:



Charlotte Nugent, Commissioner, 4C01