

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

In the Matter of:)

M & A Hospitality, LLC)
t/a Cork Wine Bar & Market)

Application for Substantial Change)
(Summer Garden))
to Retailer's Class CR License)

at premises)
1805 14th Street, NW)
Washington, D.C. 20009)

Case No.: 18-PRO-00006
License No.: ABRA-107308
Order No.: 2018-256

M & A Hospitality, LLC, t/a Cork Wine Bar & Market (Applicant)

James Turner, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 1B

Elizabeth Dangio, on behalf of A Group of Five or More Individuals

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Donald Isaac, Sr., Member
Bobby Cato, Member
Rema Wahabzadah, Member

**ORDER ON SETTLEMENT AGREEMENT AND DISMISSAL OF A GROUP OF
FIVE OR MORE INDIVIDUALS' PROTEST**

The Application filed by M & A Hospitality, LLC, t/a Cork Wine Bar & Market (Applicant), for a Substantial Change to add a Summer Garden to its Retailer's Class CR License was protested by Advisory Neighborhood Commission (ANC) 1B and a Group of Five or More Individuals (Group).

The matter came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on February 5, 2018 where the ANC was dismissed for failure to appear and the Group was granted standing. The matter proceeded to a Protest Status Hearing on March 12, 2018, in accordance with D.C. Official Code § 25-601 (2001).

Notwithstanding the dismissal of the ANC and subsequent to the Protest Status Hearing, the Applicant and ANC 1B entered into a Settlement Agreement (Agreement), submitted on March 28, 2018, 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 James Turner, on behalf of ANC 1B, are signatories to the Agreement.

In addition, the Board dismisses the Protest of the Group of Twenty Three Individuals pursuant to D.C. Official Code § 25-609(b), which states that "...In the event that an affected ANC submits a settlement agreement to the Board on a protested license application, the Board, upon its approval of the settlement agreement, shall dismiss any protest of a group of no fewer than 5 residents or property owners meeting the requirements of § 25-601(2)..."

Accordingly, it is this 2nd day of May, 2018, **ORDERED** that:

1. The Application filed by M & A Hospitality, LLC, t/a Cork Wine Bar & Market (Applicant), for a Substantial Change to add a Summer Garden to its Retailer's Class CR License, located at 1805 14th Street, NW, Washington, D.C., is **GRANTED**;
2. The above-referenced Settlement Agreement 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:

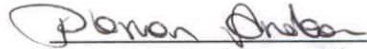
Section 4 (Food Service) – This Section shall be modified to read as follows: "Food shall be available to patrons while consuming alcohol in the Summer Garden Area. The Summer Garden will seat up to 35 at tables for food and beverage service at all times. All patrons must be seated while in the patio area, except for special events. There shall be no bar placement in the outdoor patio space.

For purposes of this section, "special events," shall include private events which are closed to the public, including but not limited to wine tastings, bridal receptions, small weddings, and birthday dinners."

The parties have agreed to this modification.

3. The Protest of the Group of Five or More Individuals is **DISMISSED**; and
4. Copies of this Order shall be sent to the Applicant, ANC 1B, and Elizabeth Dangio, on behalf of the Group of Five or More Individuals.

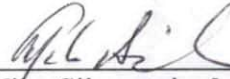
District of Columbia
Alcoholic Beverage Control Board



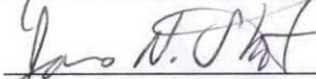
Donovan Anderson, Chairperson



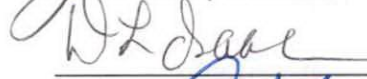
Nick Alberti, Member



Mike Silverstein, Member



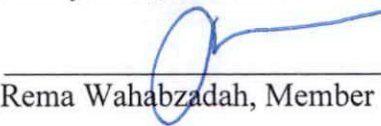
James Short, Member



Donald Isaac, Sr., Member



Bobby Cato, Member



Rema Wahabzadah, 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 FOR
CORK WINE BAR AND MARKET
1805 14TH STREET, N.W.
LICENSE NO. ABRA-107308**

This **SETTLEMENT AGREEMENT** (this "Agreement") is made and entered into as of the 28th day of March, 2018, by and among **Cork Wine Bar and Market** (the "Applicant") and **ADVISORY NEIGHBORHOOD COMMISSION 1B** (the "Protestant").

WHEREAS, the Applicant has filed an application (the "Application") with the District of Columbia; Alcoholic Beverage Regulation Administration for a Summer Garden located at 1805 14th Street, N.W., Washington, D.C. 20009 (the "Premises");

WHEREAS, the parties hereto wish to enter into this Agreement, to resolve the ANC's concerns with the Summer Garden;

NOW, THEREFORE, in consideration of the mutual covenants and undertakings memorialized herein, the parties hereby agree as follows:

1. **OPERATION HOURS FOR SUMMER GARDEN.** The Applicant agrees to close the patio at 1:00 AM – Sunday through Thursday with last call at 12:30 AM. All alcohol sales must end by 12:30 AM; but, consumption may continue for another 30 minutes; and 2:00 AM – Friday and Saturday with last call at 1:30 AM. All alcohol sales must end by 1:30 AM; but, consumption may continue for another 30 minutes..
2. **NOISE.** The Applicant agrees not to have live or amplified music beyond ambient music. The Applicant shall comply with all laws and regulations of the District of Columbia pertaining to noise provisions.
3. **TRASH ON PREMISES.** The Applicant hereby agrees to use all commercially reasonable efforts to house all trash and recycling on public space in a locked and covered structure, if allowed by applicable law, so as to not be visible and to prevent rodents. The Applicant agrees to have trash and recycling picked up six times a week.
4. **FOOD SERVICE.** Food shall be available to patrons while consuming alcohol in the Summer Garden. Area will seat up to 35 at tables for food and beverage service at all times. All patrons must be seated while in the patio area, except for special events such as receptions, small weddings, birthday dinners. There shall be no bar placement in the outdoor patio space.
5. **SUMMER GARDEN GATE.** The Applicant agrees to use the summer garden gate facing S Street to be marked as "Exit Only", and will be used primarily for service staff and pet access to the patio area. The fence on the south and east side will be covered with

appropriate plantings in wooden/ceramic planters to enhance the visual appeal and to control sound. Staff will monitor noise and remind patrons appropriately.

FOR THE APPLICANT:

Alfon 3/28/18
Owner Date
Diane L. Gross

FOR THE PROTESTANT:

Anita Norman 3/28/18
Anita Norman Date
Chair of ABR Committee and
Commissioner, ANC 1B01

James A. Turner
James A. Turner
Chair of ANC 1B, Commissioner 1B09