

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

In the Matter of:)
)
Only Paradise Restaurant, Inc.)
t/a Golden Paradise Restaurant)
)
Applicant for Renewal of a)
Retailer's Class CR License)
)
at premises)
3903-3905 14th Street, NW)
Washington, D.C. 20011)
)

Case No.: 19-PRO-00038
License No.: ABRA-098205
Order No.: 2019-657

Only Paradise Restaurant, Inc., t/a Golden Paradise Restaurant, Applicant

Debbie Matties, 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
AND WITHDRAWAL OF ANC 4C'S PROTEST**

The Application filed by Only Paradise Restaurant, Inc., t/a Golden Paradise Restaurant (Applicant), for renewal of its Retailer's Class CR License, was protested by a ANC 4C, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on June 3, 2019, and a Protest Status Hearing on July 10, 2019, in accordance with D.C. Official Code § 25-601 (2001).

The official records of the Alcoholic Beverage Control Board (Board) reflect that the Applicant and ANC 4C have entered into a Settlement Agreement (Agreement), dated September 12, 2019, 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 Commissioner Debbie Matties, on behalf of ANC 4C, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by ANC 4C of this Application.

Accordingly, it is this 25th day of September, 2019, **ORDERED** that:

1. The Application filed by Only Paradise Restaurant, Inc., t/a Golden Paradise Restaurant, for renewal of its Retailer's Class CR License, located at 3903-3905 14th Street, NW, Washington, D.C., is **GRANTED**;
2. The Protest of ANC 4C in this matter is hereby **WITHDRAWN**;
3. 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 modification:

Section 7 (Security Cooperation in Stemming Illegal Drugs and Public Drinking) – The language “to MPD, ABRA, community members, and other interested parties” shall be replaced with the language “to MPD and ABRA.”

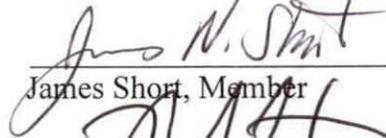
The parties have agreed to this modification.

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

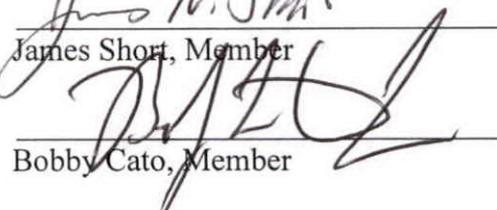
District of Columbia
Alcoholic Beverage Control Board



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).



ADVISORY NEIGHBORHOOD COMMISSION 4C

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SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is made on this 12th day of September 2019 by and between Golden Paradise Restaurant ("Applicant"), and Advisory Neighborhood Commission 4C. (Collectively, the "Parties").

WITNESSETH:

WHEREAS, Applicant's renewal application for an entertainment endorsement for premises, 3903 14th Street NW, Washington, DC 20011, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the Parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "C" Restaurant Liquor License and a possible entertainment endorsement at the subject premises; 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 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 CR license at the listed address. The license shall have limited indoor seating of 38.
- 3. Hours of Operation and Sales.**

The Applicant's hours of operation shall be as follows:
Sunday through Thursday 6 am - 2 am, Friday and Saturday 6 am - 3 am

Alcohol sales shall be limited to:
Sunday through Thursday 10 am - 2 am, Friday and Saturday 10 am - 3 am

P.O. Box 60847
Washington, DC 20039

801 Shepherd Street, NW
Washington, DC 20011

Entertainment hours will be limited to:

Sunday through Thursday 10 am - 11:59 pm, Friday and Saturday 10 am - 1 am

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 4am.

4. Noise and Privacy. Applicant will strictly comply with D.C. Official Code § 25-725 and will make architectural improvements to the property and will take actions, as necessary, to ensure that music, noise and vibration from the Establishment (including patrons) are not audible outside the establishment at any time. Applicant agrees to keep its doors and windows closed when music is being played at the establishment, but the Applicant may open its window panels seasonally, provided that the music is not audible beyond the street curbside.

Applicant will prominently post signs near the front door in English and Spanish requesting that patrons exit quietly and be respectful of the neighborhood. Applicant will actively work to maintain peace and quiet of patrons after leaving the business and not serving patrons who have a pattern or having produced noise, waste, or other negative effects on neighbors previously.

5. Public Space and Trash. Applicant shall keep the sidewalk (up to and including the curb), tree box(es), curb, and alley 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 assure that refuse and other materials are promptly removed. Applicant will make ongoing efforts to make sure the tree box and sidewalk areas are attractive and enhance the neighborhood.

No entertainment will be provided outside the property. No entertainment will be provided on the sidewalk or on the roof.

The applicant will ensure that the inside of the facility is clearly visible from the street, that the windows are not tinted and that the windows aren't obstructed (by signs, curtains, blinds, or any other method).

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 pick up in residential areas takes place between 7 a.m - 7 p.m.

6. 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.

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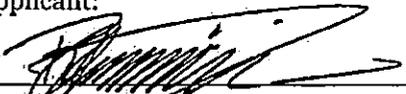
7. Security Cooperation in Stemming Illegal Drugs and Public Drinking. Applicant agrees that it shall take all necessary steps to minimize such problems, including, without limitation, designating a sufficient number of employees to assure adequate security and to control unruly patrons, whether inside 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 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. This will include providing an appropriate number of security officers, at all times when the Establishment is open to the public, who shall be responsible for ensuring that any individuals who are simply loitering are asked to move along.

Applicant will maintain in working order at all times security cameras that entirely cover the interior of the restaurant and the sidewalk of the property and adjoining property. Applicant shall ensure that (i) The cameras utilized by the establishment are operational; (ii) Any footage of a crime of violence or a crime involving a gun is maintained for a minimum of 30 days; and (iii) The security footage is made available within 48 hours upon the request of ABRA or MPD. An incident log will continue to be kept and shall never be destroyed. All security incidents shall be recorded within 24 hours of their occurrence. This log shall be made available easily and quickly to MPD, ABRA, community members, and other interested parties upon their request.

8. Compliance with ABRA Regulations. Applicant promises that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licensees. In witness whereat: the parties have executed this Settlement Agreement as of the day and date first written above.

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

Applicant:



Rosa I. Muñoz, Owner, Golden Paradise

Advisory Neighborhood Commission 4C:



Debbie Matties, Commissioner, ANC 4C-05