

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

In the Matter of:)	
)	
)	
Hope Lounge, LLC)	Case No.: 21-PRO-00073
t/a Medusa Lounge)	License No.: ABRA-118698
)	Order No.: 2021-020
Application for a New)	
Retailer's Class CT License)	
)	
at premises)	
2632 Georgia Avenue, N.W.)	
Washington, D.C. 20001)	

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rafi Aliya Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ALSO PRESENT: Hope Lounge, LLC, t/a Medusa Lounge, Applicant

Douglas Crocker, Designated Representative, on behalf of the Applicant

Eric Behna, Commissioner, on behalf of Advisory Neighborhood Commission (ANC) 1B, Protestants

George Nehmetallah, Designated Representative, on behalf of a Group of Five or More Residents and Property Owners, Protestants

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

INTRODUCTION

The Alcoholic Beverage Control Board (Board) approves the Application for a New Retailer's Class CT License filed by Hope Lounge, LLC, t/a Medusa Lounge (hereinafter

“Applicant” or “Medusa Lounge”). The Board agrees with Advisory Neighborhood Commission (ANC) 1B that the hours of entertainment should be limited to 12:30 a.m. Sunday through Thursday for the reasons discussed below. The Board’s Order also approves the settlement agreement and provides an advisory regarding holiday hours.

Procedural Background

The Notice of Public Hearing advertising Medusa Lounge’s Application was posted on July 30, 2021, and informed the public that objections to the Application could be filed on or before October 4, 2021. *ABRA Protest File No. 21-PRO-00073*, Notice of Public Hearing [*Notice of Public Hearing*]. The records of the Alcoholic Beverage Regulation Administration (ABRA) indicate that Advisory Neighborhood Commission (ANC) 1B and a Group of Residents and Property Owners have filed a protest against the Application. *ABRA Protest File No. 21-PRO-00073*, Roll Call Hearing Results.

The parties came before the Board’s Agent for a Roll Call Hearing on October 25, 2021, where all of the above-mentioned objectors were granted standing to protest the Application. On November 17, 2021, the parties came before the Board for a Protest Status Hearing. Finally, the Protest Hearing in this matter occurred on December 8, 2021.

The Board recognizes that an ANC’s properly adopted written recommendations are entitled to great weight from the Board. D.C. Code §§ 1-309.10(d), 25-609; *Foggy Bottom Ass’n v. District of Columbia Alcoholic Beverage Control Bd.*, 445 A.2d 643, 646 (D.C. 1982). Accordingly, the Board “must elaborate, with precision, its response to the ANC[’s] issues and concerns.” *Foggy Bottom Ass’n*, 445 A.2d at 646. The Board notes that it received a properly adopted written recommendation from ANC 1B, which indicated that its protest is based on concerns regarding Medusa Lounge’s impact on peace, order, and quiet; residential parking and vehicular and pedestrian safety; and real property values. The ANC limited the scope of its concerns during the hearing and the Board will address those remaining issues and concerns in its Conclusions of Law.

When a valid protest is filed the Board may only grant the Application if the request is appropriate for the area located within 1,200 feet of the establishment. D.C. Code § 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2022). At the hearing, the parties stipulated that Medusa Lounge was appropriate and should be issued a license. *Transcript (Tr.)* December 8, 2021 at 27. Nevertheless, the parties indicated that the sole remaining issue was the establishment’s hours Sunday through Thursday. *Id.* at 27, 63-64.¹ In particular, the Applicant requested to be permitted to operate until 2:00 a.m. *Id.* at 72. The ANC requested that the establishment’s hours of entertainment cease at 12:30 a.m. Sunday through Thursday. *Id.* at 73.

¹ The Board notes that the parties raised the potential use of a parking lot owned by Howard University. *Transcript (Tr.)*, December 8, 2021 at 36. Nevertheless, at present, there is no indication in the record that Howard University is willing to permit the licensee to use the parking lot, that Medusa Lounge’s customers will have access to the parking lot when the business is open, and there is no current contract to use the parking lot between Medusa Lounge and Howard University. *Id.* As such, any negative impacts caused by such hypothetical use is too speculative to merit consideration at this time.

The Board’s decision will solely address the remaining issues in dispute. D.C. Code § 2-509(e) (“The findings of fact shall consist of a concise statement of the conclusions upon each contested issue of fact.”).

FINDINGS OF FACT

The Board, having considered the evidence, the testimony of the witnesses, the arguments of the parties, and all documents comprising the Board’s official file, makes the following findings:

I. Background

1. Medusa Lounge has submitted an Application for a New Retailer's Class CT License at 2632 Georgia Avenue, N.W., Washington, D.C. *Notice of Public Hearing*.
2. ABRA Investigator Earl Jones investigated the Application and prepared the Protest Report submitted to the Board. *ABRA Protest File No. 21-PRO-00073, Protest Report* (Dec. 2021) [*Protest Report*]. The proposed establishment is located in a MU-4 zone. *Protest Report*, at 5. Ten licensed establishments are located within 1,200 feet of the proposed location. *Id.* There are no schools, recreation centers, public libraries, or day care centers located within 400 feet of the establishment. *Id.* at 6. The establishment is located on a corner and is located next to a residentially zoned street. *Protest Report*, at Exhibit No. 11.
3. The establishment’s proposed hours of operation are as follows: 6:00 a.m. to 2:00 a.m., Sunday through Thursday, and 6:00 a.m. to 3:00 a.m. on Friday and Saturday. *Id.* at 2. The establishment’s proposed hours of alcoholic beverage sales, service, and consumption are the same. *Id.* The establishment’s proposed entertainment hours are 11:00 a.m. to 2:00 a.m., Sunday through Thursday, and 11:00 a.m. to 3:00 a.m. on Friday and Saturday. *Id.*

CONCLUSIONS OF LAW

4. The Board may approve an Application for a New Retailer's Class CT License when the proposed establishment will not have an adverse impact on the neighborhood. D.C. Code §§ 25-104, 25-313(b); 23 DCMR §§ 1607.2; 1607.7(b) (West Supp. 2022). Furthermore, in the case of a new application for licensure or transfer to a new location, “the Board shall consider whether the proximity of [a tavern or nightclub] establishment to a residence district, as identified in the zoning regulations of the District and shown in the official atlases of the Zoning Commission for the District, would generate a substantial adverse impact on the residents of the District.” D.C. Code § 25-314(c). In this case, the parties do not contest the issuance of the license, but solely the proposed hours; therefore, the Board’s decision must solely address the remaining issue under contention.
5. Turning to the establishment’s hours, the Board finds it necessary to impose conditions on the Applicant’s license related to the provision of entertainment. *See In re Dos Ventures, LLC, t/a Riverfront at the Ball Park*, Case No. 092040, Board Order No. 2014-512. ¶ 49

(D.C.A.B.C.B. Nov. 13, 2013) (saying “[i]n practice, the Board has imposed conditions when it is shown that there are valid concerns regarding appropriateness that may be fixed through the imposition of specific operational limits and requirements on the license”). Under § 25-104(e), the Board is granted the authority to impose conditions on a license when “. . . the inclusion of conditions will be in the best interest of the [neighborhood]” D.C. Code § 25-104(e).

6. The Board limits the establishment’s entertainment hours to 12:30 a.m. Sunday through Thursday. The Board finds this condition in the best interest of the neighborhood because the establishment is located extremely close to residential properties and it has not been shown through the preponderance of evidence that the establishment’s sound mitigation measures are adequate or sufficient for high levels of noise in the evening. Consequently, by limiting late night entertainment during the week, this will mitigate the creation of amplified sounds that may unreasonably disturb Medusa Lounge’s neighbors when the majority of residents are expected to be trying to sleep. Finally, based on the limited record in this case, additional restrictions have not been adequately justified.

I. The Application Satisfies All Remaining Requirements Imposed by Title 25.

7. Finally, the Board is only required to produce findings of fact and conclusions of law related to those matters raised by the Protestants in their initial protest. *See Craig v. District of Columbia Alcoholic Beverage Control Bd.*, 721 A.2d 584, 590 (D.C. 1998) (“The Board’s regulations require findings only on contested issues of fact.”); 23 DCMR § 1718.2 (West Supp. 2022). Accordingly, based on the Board’s review of the Application and the record, the Applicant has satisfied all remaining requirements imposed by Title 25 of the D.C. Official Code and Title 23 of the D.C. Municipal Regulations.

ORDER

Therefore, the Board, on this 26th day of January 2022, hereby **APPROVES** the Application for a New Retailer’s Class CT License at premises 2632 Georgia Avenue, N.W., filed by Hope Lounge, LLC, t/a Medusa Lounge, subject to the following **CONDITION**:

1. Medusa Lounge’s entertainment hours shall cease at 12:30 a.m. Sunday through Thursday.

IT IS FURTHER ORDERED that the settlement agreement filed by the Applicant, ANC 1B, and a Group of Residents and Property Owners is **APPROVED**. The agreement, which is attached to this Order, shall become a term and condition of the license and become enforceable pursuant to D.C. Official Code § 25-446.

IT IS FURTHER ORDERED that the protest filed by the Group is **DISMISSED** pursuant to D.C. Official Code § 25-609(b) based on the filing of the settlement agreement between the Applicant, ANC 1B, and a Group of Residents and Property Owners and the Board’s approval of the agreement.

Medusa Lounge is **ADVISED** that the settlement agreement references Ethiopian New Year, which is not a recognized federal or District holiday covered by the extended holiday hours program described at D.C. Official Code § 25-723. If Medusa Lounge seeks to operate additional hours on Ethiopian New Years, the licensee must obtain approval from the Board (e.g., one-day substantial change) before operating for extended hours on that day.

IT IS FURTHER ORDERED that the Board's findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision.

The ABRA shall deliver a copy of this order to the Parties.

District of Columbia
Alcoholic Beverage Control Board

Assigned via BeamlessDoc.com
Donovan Anderson
Key: 3c42c66c5095f0e4273060311cc28

Donovan Anderson, Chairperson

Assigned via BeamlessDoc.com
James Short
Key: 547c08756203c6c0a1e33c0d204e2

James Short, Member

Assigned via BeamlessDoc.com
Bobby Cato
Key: 255c0f6a1b6146c714b792097e1422c3

Bobby Cato, Member

Assigned via BeamlessDoc.com
Rafi Aliya Crockett, Member
Key: 4209e01645e1f7000101250c12f012e

Rafi Crockett, Member

Assigned via BeamlessDoc.com
Jeni Hansen, Member
Key: 9272931722244740c5508c2a41857

Jeni Hansen, Member

Edward S. Grandis, 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, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 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 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 by and between
Advisory Neighborhood Commission 1B and
HOPE LOUNGE LLC (d.b.a. MEDUSA
LOUNGE)**

THIS AGREEMENT, made and entered into this ____ day of ____, 2021, by and between HOPE LOUNGE LLC (*d.b.a* MEDUSA LOUNGE) (“Applicant”) and ANC 1B (“ANC”).

RECITALS

WHEREAS, Applicant has filed an application for a new Retailer’s Class C Tavern ABC License (ABRA#-118698) (“License”) for a business Establishment located at 2632 Georgia Avenue, N.W. Washington DC 20001 (“Establishment”) with Entertainment, Dancing, and Cover Charge Endorsements; and

WHEREAS, in recognition of the Alcoholic Beverage Control Board (“Board”)’s policy of encouraging parties to a liquor licensing proceeding to settle their differences by reaching Settlement Agreements, by their signatures below, the parties hereto desire to enter into a Settlement Agreement whereby (1) Applicant will agree to adopt certain measures to address ANC’s concerns and to include this Agreement as a formal condition of its renewal application, and (2) ANC will not file a protest of the application provided that the Board approve this Agreement conditioned upon Applicant’s compliance with its terms; and

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, and other good and valuable consideration, receipt and sufficiency are hereby acknowledged, the parties agree as follows:

1. Nature of the Establishment.
 - a. Applicant will operate and manage a Class C Tavern Establishment, as defined by the Board. Applicant shall comply with all conditions applicable to this license class with Entertainment, Dancing, and Cover Charge Endorsements.
 - b. The Establishment shall have a maximum occupancy of 99. Applicant shall post its Certificate of Occupancy in public view at all times.

2. Hours. Establishment’s permitted hours of operation, and selling, serving, and consuming alcohol shall be as follows:

a. Interior Hours of Operation and Sales, Service, and Consumption of Alcoholic Beverages:

Day		
Sunday	11:00 a.m.	2:00 a.m.
Monday	11:00 a.m.	2:00 a.m.
Tuesday	11:00 a.m.	2:00 a.m.
Wednesday	11:00 a.m.	2:00 a.m.
Thursday	11:00 a.m.	2:00 a.m.
Friday	11:00 a.m.	3:00 a.m.
Saturday	11:00 a.m.	3:00 a.m.

b. Interior Hours of Entertainment:

To be determined by ABRA order

c. Provided, However, (1) on days designated by the DC ABC Board as “Extended Hours for ABC Establishments” Applicant may operate and serve alcohol and operate entertainment 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; (3) on January 1 of each year Applicant may serve alcoholic beverages until 4:00 am, and (4) on Ethiopian New Year due to the cultural significance.

3. Noise.

- a. Applicant shall comply with applicable noise-control regulations, including, but not limited to, those in District of Columbia Municipal Regulations (DCMR) Title 20 and Title 25.
- b. Applicant agrees to keep its doors and windows closed when Entertainment is being provided at the Establishment and will agree to make modification to the interior to help mitigate the escape of sound when employees and patrons open doors including, but not limited to:
 - Installing an alarm to ensure rear doors are opened only in an emergency;
 - Installing an additional interior door leading to the rear emergency exit;
- c. Applicant shall take reasonable, necessary actions to ensure that music, noise, and vibration from the Establishment are not audible in any residential premises according to ABRA DC official Code Section 25-725, including, but not limited to:
 - Making reasonable architectural modifications to the Establishment;
 - Making reasonable upgrades to windows on the premises;
 - Making reasonable upgrades to the sound system; and
 - Installing reasonable soundproofing and noise mitigation measures recommended by a sound engineering professional.
- d. Exterior doors and windows shall not remain open after 10:00 p.m.
- e. Applicant's front door shall remain closed (not propped open), other than for routine ingress and egress, after 7:00 p.m. daily.
- f. Amplified speakers used in the interior must be on stands, raised, and/or mounted to reduce vibrations.
- g. The establishment shall retain the services of a professional acoustic engineer for configuration of speakers and sound devices used in the establishment. Placement and direction of any speakers within the establishment shall be configured under the guidance of the professional acoustics engineer in a manner designed to ensure no sound is audible in neighboring residences according to ABRA DC official Code Section 25-725 which prohibits restaurants, taverns, nightclubs, hotels and multipurpose facilities from producing any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment. If the establishment does not retain the services of a professional acoustics engineer in configuring its sound system, or if the music is still audible in neighboring residences after the services of the engineer are rendered, all speakers or other sound devices must be directed toward the street-facing side of the establishment and away from the rear of the establishment and volumes should be lowered to comply with ABRA Code Section 25-725.
- h. Applicant shall inform its patrons by signage or other means, including staff members or security personnel, that residences are in proximity to the Establishment and urge quiet and decorum by patrons on exiting the

Establishment and will work to minimize patrons congregating outside the establishment during operation and after closing.

- i. Applicant shall receive deliveries only between 7:00 a.m. and 7:00 p.m., Monday through Saturday. No deliveries, except fresh food, shall be accepted on Sunday.
- j. Applicant's security manager on duty, or their designee, shall be responsible for handling any noise issue complaints from the neighbors. This person will carry a cell phone designated for this purpose and the ANC shall be given this number to distribute to the neighboring residents.
- k. Applicant must conduct a sound test with neighbors, an ANC representative, ABRA personnel, and sound engineering professionals within 30 days of ABRA approval of alcohol license in order to establish appropriate sound levels to ensure no sound is audible in neighboring residences according to ABRA DC official Code Section 25-725 which prohibits restaurants, taverns, nightclubs, hotels and multipurpose facilities from producing any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment. Applicant will also conduct such a sound test at least once per year to ensure continued maintenance of appropriate sound levels.
- l. Applicant shall use sound equipment in accordance with the results of the sound test. Applicant shall install decibel meters in the establishment and the applicant's security manager on duty, or their designee, shall be responsible for monitoring such meters.
- m. Noise Complaints: If at any time in a consecutive six (6) month period, the Applicant is assessed in writing by ABRA investigators with two (2) or more violations of Section 25-725 as set forth within the schedule of Civil Penalties under section 25-830 of the ABRA Civil Penalty Schedule, the establishment's occupancy will decrease by 30% for 30 days before being restored to full DCRA occupancy.

4. Trash and Odors.

Applicant shall take reasonable measures to ensure that the areas immediately adjacent to the Establishment are kept in a clean and litter-free condition.

- a. Applicant is encouraged to work with the ANC towards solutions for removing dumpsters from public space on site and collectively in surrounding block.
- b. All trash and recyclable materials stored outdoors at the Establishment shall be in closed containers that are resistant to vermin, leaks, and odors.
- c. Applicant shall deposit trash and garbage only in rodent resistant dumpsters and shall see that dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed.
- d. Any damaged or leaking containers shall be repaired or replaced within 72 hours. Outdoor containers shall be kept closed at all times, and no waste or other materials shall be stored outdoors, except in such containers.
- e. Applicant shall arrange for trash and recycling collection a minimum of 2 times

per week unless operations have been suspended.

- f. Applicant shall arrange for additional trash collection should containers become filled between pickups in order to prevent overflow of garbage and associated externalities such as odor and vermin
- g. Applicant shall not allow trash or recyclable disposal or collection between the hours of 10:00 p.m. and 7:00 a.m.
- h. Applicant shall keep the exterior (including immediately adjacent portions of the alley, sidewalks, and streets) of the Establishment free of litter, bottles, chewing gum, trash, and other debris.
- i. Applicant shall take reasonable, necessary actions to mitigate odors emanating from the Establishment, including, if necessary, installing and maintaining high-efficiency exhaust ventilation and filtering systems of sufficient design and capacity as to reduce the external emission of odors.

5. Rat and Vermin Control.

- a. Applicant shall instruct an employee to ensure that the areas immediately adjacent to the premises, including the sidewalk, alley, street and area around its trash containers, are swept and trash and other waste are removed from the ground at the end of operations to help eliminate potential attractions for rodents, pests, and other vermin.
- b. Applicant shall contract with a licensed exterminator to inspect the Establishment a minimum of once per quarter and shall maintain recommended pest control measures.

6. Security & Queuing.

- a. Applicant shall make reasonable efforts to reduce the potential for patrons queuing to enter the Establishment. Applicant shall maintain rope and stanchions for patrons queuing to enter the establishment. Applicant shall make reasonable efforts to minimize the queue's impact on the public space, including having an employee stationed outside to monitor patrons waiting in the queue.
- b. Applicant shall take all reasonable steps to minimize problems of illegal drugs and public drinking, including, by having a sufficient number of trained 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; and maintaining contact and cooperating with MPD and other enforcement officials when known or suspected drug activities occur.
- c. Applicant shall maintain ownership and control of the Premises, including patrons' ingress and egress, staff of the establishment, including any bar and security staff. Under no circumstances shall Applicant permit a third-party or promoter to be responsible for managing establishment operations, providing security, or maintaining control over the establishment's existing security personnel.
- d. Applicant shall maintain security staff at the establishment for at least 1 hour after closing every night of operation.

7. Parking.
 - a. Applicant shall discourage its employees and patrons from parking their vehicles illegally, on streets signed with parking restrictions, including time-limited parking and resident-only parking.
 - b. Applicant shall encourage vendors and contractors to park legally, and, as reasonably necessary, work with DDOT, DPW or the appropriate agency to resolve issues related to illegal parking by its vendors and contractors.
 - c. Applicant shall notify patrons, on Establishment website or other advertising, that there is limited parking in the vicinity and shall encourage the use of public transportation or walking.

8. Compliance with Regulations. Applicant shall comply with regulations of the Board (ABRA), Department of Consumer and Regulatory Affairs (DCRA), Department of Health (DOH), Department of Public Works (DPW), and other applicable DC agency regulations regarding conduct of its business, the ownership of the license, and the enforcement provisions of each respective agency.

9. Binding Effect. This Agreement shall be binding upon and enforceable against the successors and assigns of Applicant during the term of the license to which this Agreement applies. Applicant agrees to specifically notify any prospective transferee of the existence of this Agreement and to provide them with a copy.

10. Agreement Available Upon Demand. A copy of this Agreement shall be kept at the Establishment in a location accessible to the ABC manager on duty and made available to law enforcement officers and Alcoholic Beverage Regulatory Administration inspectors upon request.

11. Notices.
 - a. Notices shall be provided by email, U.S. Mail, or hand-delivery as follows:

If to ANC:
Advisory Neighborhood Commission 1B
2000 14th St., NW, Suite 100B
Washington, DC 20009
1b@anc.dc.gov

If to Applicant:
Hope Lounge Inc.
Attn: Betty Etana
2632 Georgia Ave NW
Washington, DC 20001
Bettyetana55@gmail.com
 - b. Failure to give notice shall not constitute waiver or acquiescence to the violation.

WHEREFORE, by the signing of the representatives of Applicant and ANC, Applicant hereby agrees to the aforementioned covenants and ANC agrees to refrain from filing a Settlement Agreement - ANC 1B and Medusa Lounge at 2632 Georgia Ave NW | (ABRA#-118698)

protest against Applicant's ABC License application, provided that this Agreement is incorporated into the Board's order approving Applicant's Class C Tavern ABC license.

[SIGNATURE BLOCKS ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year first above written.

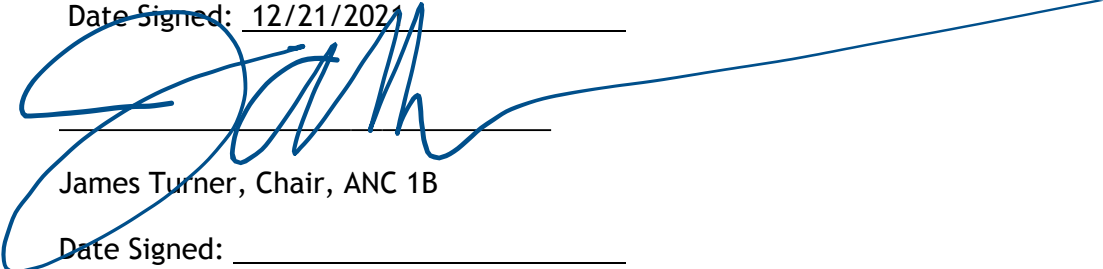
ANC:

Advisory Neighborhood Commission 1B



Eric Behna, Commissioner 1B08 & Chair of ANC1B ABR Committee

Date Signed: 12/21/2021



James Turner, Chair, ANC 1B

Date Signed: _____

GROUP OF 5 REPRESENTATIVE

By: _____
Georges Nehmetallah

Date Signed: _____

APPLICANT:

HOPE LOUNGE LLC (d.b.a Medusa Lounge)

By: _____
INSERT NAME

Date Signed: _____

**Settlement Agreement by and between
Advisory Neighborhood Commission 1B and
HOPE LOUNGE LLC (d.b.a. MEDUSA
LOUNGE)**

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WHEREAS, in recognition of the Alcoholic Beverage Control Board (“Board”)’s policy of encouraging parties to a liquor licensing proceeding to settle their differences by reaching Settlement Agreements, by their signatures below, the parties hereto desire to enter into a Settlement Agreement whereby (1) Applicant will agree to adopt certain measures to address ANC’s concerns and to include this Agreement as a formal condition of its renewal application, and (2) ANC will not file a protest of the application provided that the Board approve this Agreement conditioned upon Applicant’s compliance with its terms; and

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, and other good and valuable consideration, receipt and sufficiency are hereby acknowledged, the parties agree as follows:

1. Nature of the Establishment.
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 - b. The Establishment shall have a maximum occupancy of 99. Applicant shall post its Certificate of Occupancy in public view at all times.

2. Hours. Establishment’s permitted hours of operation, and selling, serving, and consuming alcohol shall be as follows:

a. Interior Hours of Operation and Sales, Service, and Consumption of Alcoholic Beverages:

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b. Interior Hours of Entertainment:

To be determined by ABRA order

c. Provided, However, (1) on days designated by the DC ABC Board as “Extended Hours for ABC Establishments” Applicant may operate and serve alcohol and operate entertainment 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; (3) on January 1 of each year Applicant may serve alcoholic beverages until 4:00 am, and (4) on Ethiopian New Year due to the cultural significance.

3. Noise.

- a. Applicant shall comply with applicable noise-control regulations, including, but not limited to, those in District of Columbia Municipal Regulations (DCMR) Title 20 and Title 25.
- b. Applicant agrees to keep its doors and windows closed when Entertainment is being provided at the Establishment and will agree to make modification to the interior to help mitigate the escape of sound when employees and patrons open doors including, but not limited to:
 - Installing an alarm to ensure rear doors are opened only in an emergency;
 - Installing an additional interior door leading to the rear emergency exit;
- c. Applicant shall take reasonable, necessary actions to ensure that music, noise, and vibration from the Establishment are not audible in any residential premises according to ABRA DC official Code Section 25-725, including, but not limited to:
 - Making reasonable architectural modifications to the Establishment;
 - Making reasonable upgrades to windows on the premises;
 - Making reasonable upgrades to the sound system; and
 - Installing reasonable soundproofing and noise mitigation measures recommended by a sound engineering professional.
- d. Exterior doors and windows shall not remain open after 10:00 p.m.
- e. Applicant's front door shall remain closed (not propped open), other than for routine ingress and egress, after 7:00 p.m. daily.
- f. Amplified speakers used in the interior must be on stands, raised, and/or mounted to reduce vibrations.
- g. The establishment shall retain the services of a professional acoustic engineer for configuration of speakers and sound devices used in the establishment. Placement and direction of any speakers within the establishment shall be configured under the guidance of the professional acoustics engineer in a manner designed to ensure no sound is audible in neighboring residences according to ABRA DC official Code Section 25-725 which prohibits restaurants, taverns, nightclubs, hotels and multipurpose facilities from producing any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment. If the establishment does not retain the services of a professional acoustics engineer in configuring its sound system, or if the music is still audible in neighboring residences after the services of the engineer are rendered, all speakers or other sound devices must be directed toward the street-facing side of the establishment and away from the rear of the establishment and volumes should be lowered to comply with ABRA Code Section 25-725.
- h. Applicant shall inform its patrons by signage or other means, including staff members or security personnel, that residences are in proximity to the Establishment and urge quiet and decorum by patrons on exiting the

Establishment and will work to minimize patrons congregating outside the establishment during operation and after closing.

- i. Applicant shall receive deliveries only between 7:00 a.m. and 7:00 p.m., Monday through Saturday. No deliveries, except fresh food, shall be accepted on Sunday.
- j. Applicant's security manager on duty, or their designee, shall be responsible for handling any noise issue complaints from the neighbors. This person will carry a cell phone designated for this purpose and the ANC shall be given this number to distribute to the neighboring residents.
- k. Applicant must conduct a sound test with neighbors, an ANC representative, ABRA personnel, and sound engineering professionals within 30 days of ABRA approval of alcohol license in order to establish appropriate sound levels to ensure no sound is audible in neighboring residences according to ABRA DC official Code Section 25-725 which prohibits restaurants, taverns, nightclubs, hotels and multipurpose facilities from producing any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment. Applicant will also conduct such a sound test at least once per year to ensure continued maintenance of appropriate sound levels.
- l. Applicant shall use sound equipment in accordance with the results of the sound test. Applicant shall install decibel meters in the establishment and the applicant's security manager on duty, or their designee, shall be responsible for monitoring such meters.
- m. Noise Complaints: If at any time in a consecutive six (6) month period, the Applicant is assessed in writing by ABRA investigators with two (2) or more violations of Section 25-725 as set forth within the schedule of Civil Penalties under section 25-830 of the ABRA Civil Penalty Schedule, the establishment's occupancy will decrease by 30% for 30 days before being restored to full DCRA occupancy.

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Applicant shall take reasonable measures to ensure that the areas immediately adjacent to the Establishment are kept in a clean and litter-free condition.

- a. Applicant is encouraged to work with the ANC towards solutions for removing dumpsters from public space on site and collectively in surrounding block.
- b. All trash and recyclable materials stored outdoors at the Establishment shall be in closed containers that are resistant to vermin, leaks, and odors.
- c. Applicant shall deposit trash and garbage only in rodent resistant dumpsters and shall see that dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed.
- d. Any damaged or leaking containers shall be repaired or replaced within 72 hours. Outdoor containers shall be kept closed at all times, and no waste or other materials shall be stored outdoors, except in such containers.
- e. Applicant shall arrange for trash and recycling collection a minimum of 2 times

per week unless operations have been suspended.

- f. Applicant shall arrange for additional trash collection should containers become filled between pickups in order to prevent overflow of garbage and associated externalities such as odor and vermin
- g. Applicant shall not allow trash or recyclable disposal or collection between the hours of 10:00 p.m. and 7:00 a.m.
- h. Applicant shall keep the exterior (including immediately adjacent portions of the alley, sidewalks, and streets) of the Establishment free of litter, bottles, chewing gum, trash, and other debris.
- i. Applicant shall take reasonable, necessary actions to mitigate odors emanating from the Establishment, including, if necessary, installing and maintaining high-efficiency exhaust ventilation and filtering systems of sufficient design and capacity as to reduce the external emission of odors.

5. Rat and Vermin Control.

- a. Applicant shall instruct an employee to ensure that the areas immediately adjacent to the premises, including the sidewalk, alley, street and area around its trash containers, are swept and trash and other waste are removed from the ground at the end of operations to help eliminate potential attractions for rodents, pests, and other vermin.
- b. Applicant shall contract with a licensed exterminator to inspect the Establishment a minimum of once per quarter and shall maintain recommended pest control measures.

6. Security & Queuing.

- a. Applicant shall make reasonable efforts to reduce the potential for patrons queuing to enter the Establishment. Applicant shall maintain rope and stanchions for patrons queuing to enter the establishment. Applicant shall make reasonable efforts to minimize the queue's impact on the public space, including having an employee stationed outside to monitor patrons waiting in the queue.
- b. Applicant shall take all reasonable steps to minimize problems of illegal drugs and public drinking, including, by having a sufficient number of trained 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; and maintaining contact and cooperating with MPD and other enforcement officials when known or suspected drug activities occur.
- c. Applicant shall maintain ownership and control of the Premises, including patrons' ingress and egress, staff of the establishment, including any bar and security staff. Under no circumstances shall Applicant permit a third-party or promoter to be responsible for managing establishment operations, providing security, or maintaining control over the establishment's existing security personnel.
- d. Applicant shall maintain security staff at the establishment for at least 1 hour after closing every night of operation.

7. Parking.
 - a. Applicant shall discourage its employees and patrons from parking their vehicles illegally, on streets signed with parking restrictions, including time-limited parking and resident-only parking.
 - b. Applicant shall encourage vendors and contractors to park legally, and, as reasonably necessary, work with DDOT, DPW or the appropriate agency to resolve issues related to illegal parking by its vendors and contractors.
 - c. Applicant shall notify patrons, on Establishment website or other advertising, that there is limited parking in the vicinity and shall encourage the use of public transportation or walking.

8. Compliance with Regulations. Applicant shall comply with regulations of the Board (ABRA), Department of Consumer and Regulatory Affairs (DCRA), Department of Health (DOH), Department of Public Works (DPW), and other applicable DC agency regulations regarding conduct of its business, the ownership of the license, and the enforcement provisions of each respective agency.

9. Binding Effect. This Agreement shall be binding upon and enforceable against the successors and assigns of Applicant during the term of the license to which this Agreement applies. Applicant agrees to specifically notify any prospective transferee of the existence of this Agreement and to provide them with a copy.

10. Agreement Available Upon Demand. A copy of this Agreement shall be kept at the Establishment in a location accessible to the ABC manager on duty and made available to law enforcement officers and Alcoholic Beverage Regulatory Administration inspectors upon request.

11. Notices.
 - a. Notices shall be provided by email, U.S. Mail, or hand-delivery as follows:

If to ANC:
Advisory Neighborhood Commission 1B
2000 14th St., NW, Suite 100B
Washington, DC 20009
1b@anc.dc.gov

If to Applicant:
Hope Lounge Inc.
Attn: Betty Etana
2632 Georgia Ave NW
Washington, DC 20001
Bettyetana55@gmail.com
 - b. Failure to give notice shall not constitute waiver or acquiescence to the violation.

WHEREFORE, by the signing of the representatives of Applicant and ANC, Applicant hereby agrees to the aforementioned covenants and ANC agrees to refrain from filing a Settlement Agreement - ANC 1B and Medusa Lounge at 2632 Georgia Ave NW | (ABRA#-118698)

protest against Applicant's ABC License application, provided that this Agreement is incorporated into the Board's order approving Applicant's Class C Tavern ABC license.

[SIGNATURE BLOCKS ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year first above written.

ANC:

Advisory Neighborhood Commission 1B



Eric Behna, Commissioner 1B08 & Chair of ANC1B ABR Committee

Date Signed: 12/21/2021

James Turner, Chair, ANC 1B

Date Signed: _____

GROUP OF 5 REPRESENTATIVE

By: _____
Georges Nehmetallah

Date Signed: _____

APPLICANT:

HOPE LOUNGE LLC (d.b.a Medusa Lounge)

By: **Betty Etana**
INSERT NAME

Date Signed: 12/22/2021

**Settlement Agreement by and between
Advisory Neighborhood Commission 1B and
HOPE LOUNGE LLC (d.b.a. MEDUSA
LOUNGE)**

THIS AGREEMENT, made and entered into this ____ day of ____, 2021, by and between HOPE LOUNGE LLC (*d.b.a* MEDUSA LOUNGE) (“Applicant”) and ANC 1B (“ANC”).

RECITALS

WHEREAS, Applicant has filed an application for a new Retailer’s Class C Tavern ABC License (ABRA#-118698) (“License”) for a business Establishment located at 2632 Georgia Avenue, N.W. Washington DC 20001 (“Establishment”) with Entertainment, Dancing, and Cover Charge Endorsements; and

WHEREAS, in recognition of the Alcoholic Beverage Control Board (“Board”)’s policy of encouraging parties to a liquor licensing proceeding to settle their differences by reaching Settlement Agreements, by their signatures below, the parties hereto desire to enter into a Settlement Agreement whereby (1) Applicant will agree to adopt certain measures to address ANC’s concerns and to include this Agreement as a formal condition of its renewal application, and (2) ANC will not file a protest of the application provided that the Board approve this Agreement conditioned upon Applicant’s compliance with its terms; and

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, and other good and valuable consideration, receipt and sufficiency are hereby acknowledged, the parties agree as follows:

1. Nature of the Establishment.
 - a. Applicant will operate and manage a Class C Tavern Establishment, as defined by the Board. Applicant shall comply with all conditions applicable to this license class with Entertainment, Dancing, and Cover Charge Endorsements.
 - b. The Establishment shall have a maximum occupancy of 99. Applicant shall post its Certificate of Occupancy in public view at all times.

2. Hours. Establishment’s permitted hours of operation, and selling, serving, and consuming alcohol shall be as follows:

a. Interior Hours of Operation and Sales, Service, and Consumption of Alcoholic Beverages:

Day		
Sunday	11:00 a.m.	2:00 a.m.
Monday	11:00 a.m.	2:00 a.m.
Tuesday	11:00 a.m.	2:00 a.m.
Wednesday	11:00 a.m.	2:00 a.m.
Thursday	11:00 a.m.	2:00 a.m.
Friday	11:00 a.m.	3:00 a.m.
Saturday	11:00 a.m.	3:00 a.m.

b. Interior Hours of Entertainment:

To be determined by ABRA order

c. Provided, However, (1) on days designated by the DC ABC Board as “Extended Hours for ABC Establishments” Applicant may operate and serve alcohol and operate entertainment 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; (3) on January 1 of each year Applicant may serve alcoholic beverages until 4:00 am, and (4) on Ethiopian New Year due to the cultural significance.

3. Noise.

- a. Applicant shall comply with applicable noise-control regulations, including, but not limited to, those in District of Columbia Municipal Regulations (DCMR) Title 20 and Title 25.
- b. Applicant agrees to keep its doors and windows closed when Entertainment is being provided at the Establishment and will agree to make modification to the interior to help mitigate the escape of sound when employees and patrons open doors including, but not limited to:
 - Installing an alarm to ensure rear doors are opened only in an emergency;
 - Installing an additional interior door leading to the rear emergency exit;
- c. Applicant shall take reasonable, necessary actions to ensure that music, noise, and vibration from the Establishment are not audible in any residential premises according to ABRA DC official Code Section 25-725, including, but not limited to:
 - Making reasonable architectural modifications to the Establishment;
 - Making reasonable upgrades to windows on the premises;
 - Making reasonable upgrades to the sound system; and
 - Installing reasonable soundproofing and noise mitigation measures recommended by a sound engineering professional.
- d. Exterior doors and windows shall not remain open after 10:00 p.m.
- e. Applicant's front door shall remain closed (not propped open), other than for routine ingress and egress, after 7:00 p.m. daily.
- f. Amplified speakers used in the interior must be on stands, raised, and/or mounted to reduce vibrations.
- g. The establishment shall retain the services of a professional acoustic engineer for configuration of speakers and sound devices used in the establishment. Placement and direction of any speakers within the establishment shall be configured under the guidance of the professional acoustics engineer in a manner designed to ensure no sound is audible in neighboring residences according to ABRA DC official Code Section 25-725 which prohibits restaurants, taverns, nightclubs, hotels and multipurpose facilities from producing any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment. If the establishment does not retain the services of a professional acoustics engineer in configuring its sound system, or if the music is still audible in neighboring residences after the services of the engineer are rendered, all speakers or other sound devices must be directed toward the street-facing side of the establishment and away from the rear of the establishment and volumes should be lowered to comply with ABRA Code Section 25-725.
- h. Applicant shall inform its patrons by signage or other means, including staff members or security personnel, that residences are in proximity to the Establishment and urge quiet and decorum by patrons on exiting the

Establishment and will work to minimize patrons congregating outside the establishment during operation and after closing.

- i. Applicant shall receive deliveries only between 7:00 a.m. and 7:00 p.m., Monday through Saturday. No deliveries, except fresh food, shall be accepted on Sunday.
- j. Applicant's security manager on duty, or their designee, shall be responsible for handling any noise issue complaints from the neighbors. This person will carry a cell phone designated for this purpose and the ANC shall be given this number to distribute to the neighboring residents.
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Eric Behna, Commissioner 1B08 & Chair of ANC1B ABR Committee

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James Turner, Chair, ANC 1B

Date Signed: _____

GROUP OF 5 REPRESENTATIVE

By: 

Georges Nehmetallah

Date Signed: 12/22/2021

APPLICANT:

HOPE LOUNGE LLC (d.b.a Medusa Lounge)

By: _____
INSERT NAME

Date Signed: _____