

SETTLEMENT AGREEMENT

Made this 17th day of July, 2018, by and between Da Noi Hospitality, LLC (the "Applicant") and Advisory Neighborhood Commission 3F (the "ANC or "ANC 3F"),

WITNESSETH

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control ("ABC") Board is Applicant's application for a Retailer's Class 'C' liquor license for the premises known as Da Noi Hospitality, LLC at 5014 Avenue, NW (the "Establishment"), License Number ABRA- 110237;

WHEREAS, both Applicant and the ANC (the "Parties") desire to enter into a Settlement Agreement commemorating certain understandings regarding Applicant's operating plans; and

WHEREAS, in consideration of the premises recited, and the mutual covenants and promises set forth below:

General

1. Applicant shall manage and operate a bona fide restaurant at the Establishment with an emphasis on food.
2. Applicant's maximum occupancy load for the restaurant shall not exceed 75 and the sidewalk café shall not exceed 40 seats.
3. The Applicant agrees that the hours of operation at the Establishment will begin no earlier and end no later than the following hours:

	<u>Inside</u>	<u>Sidewalk Cafe</u>
Sunday- Thursday	7:00 a.m. – 2:00 a.m.	7:00 a.m. – 12:00 a.m.
Friday – Saturday	7:00 a.m. – 2:00 a.m.	7:00 a.m. – 12:00 a.m.

- a) On days designated by the ABC Board as "Extended Hours for ABC Establishments" or "Daylight Savings Time Extension of Hours," Applicant may operate for one additional hour (that is, one hour later);
- b) In the event the Council of the District of Columbia or the ABC Board grants licensees in general extended operating hours for specific occasions, such as Inauguration or World Cup, Applicant may avail itself of such extended hours; and
- c) On January 1 of each year Applicant may operate for one additional hour; and
- d) It is understood between the parties that the above specified opening and closing times represent maximum hours and not a requirement but may be used at the discretion of the Applicant.

Hours and Conditions of Alcohol Sales

4. Applicant's hours of sale, service, or consumption of alcoholic beverages will not exceed the hours listed on its ABC license, unless approved by the ABC Board or designated as extended hours/daylight savings hours in 3(a) of this agreement.
5. Alcoholic beverages will be served primarily in conjunction with full meal service. Patrons shall be able to purchase full meal service from the Applicant until 1 hour before closing times inside and outside the restaurant premises.
6. Applicant will not provide take-out alcoholic beverages.

Take-Out/Delivery Service

7. Applicant may provide take-out and delivery food service to patrons within a reasonable driving radius. Applicant's delivery vehicles will not impede travel lanes and public parking on the public streets and alleys around the Establishment. Should Applicant utilize a third-party delivery service, Applicant will make reasonable efforts to ensure that third party delivery vehicles will not impede travel lanes and public parking on the public streets and alleys around the Establishment.

Music/Entertainment

8. Applicant may present live or recorded music inside the Establishment during the

posted hours of operation and to accompany dining, provided that no doors to the exterior of the restaurant shall be propped open at any time when live music is being played in the restaurant, except when persons are in the act of using the door for ingress to or egress from the premises.

9. Applicant may also present music outside the Establishment during the posted hours of operation of the sidewalk cafe and to accompany dining, provided that the noise level shall conform at all times to the District's Noise Ordinance Regulations.
10. In all cases, Applicant will make reasonable efforts to prevent music from the restaurant's premises, inside and outside, from becoming an unreasonable disturbance to occupants in adjacent buildings and surrounding premises.

Advertising

11. Applicant shall be prohibited from displaying any neon signs other than the sign permitted by zoning above the Establishment. Applicant shall post no signs in public space or outside the restaurant advertising liquor sales.

Public Spaces

12. During operating hours and at the end of each night, Applicant shall take reasonable measures to keep the areas immediately in front of and adjacent to the Premises clean and free of litter, bottles and other debris in compliance with D.C. Code and Municipal Regulations. Applicant shall take reasonable measures to monitor these areas sufficiently to assure that refuse and other materials are promptly removed. Applicant shall take reasonable measure to promptly remove snow and ice.
13. Applicant shall respect the surrounding residential buildings and limit noise after closing hours when disposing of trash and bottles in receptacles and take reasonable measures to ensure that trash receptacles remain closed and free of vermin at all times.
14. Applicant shall schedule garbage collection, hood cleaning, and any other activity that causes a noise disturbance at the frontage and/or in the alley/parking lot behind the Establishment only between 9:00 a.m. and 9:00 p.m., or in accordance with the relevant building lease agreement for any form of garbage collection and noise disturbance activity. However, Applicant is permitted to receive all deliveries of food, beverages, and supplies during hours between 7:00 a.m. and 9:00 p.m. daily.

15. Applicant shall take reasonable measures to maintain the sidewalk café as a non-smoking outdoor space.

Breach of Agreement/ Notifications

16. The Parties agree that any failure of the Applicant to adhere to the foregoing commitments will constitute grounds for ANC 3F to file complaint with the ABC Board in accordance with DC Official Code 25-447.

THEREFORE, in consideration of and in reliance upon the commitments reflected in items 1 through 16 above, ANC 3F will advise the ABC Board that it does not oppose Applicant's pending application for the Retailer's Class 'CR' license.

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

Applicant: Da Noi, LLC

Signature: 
Carolyn Papetti, Member

Date: 7/19/18

Protestant: ANC 3F

Signature: 
William Sittig, 3F06

Date: 7/17/18