

SETTLEMENT AGREEMENT

This Settlement Agreement (the “Agreement”) is entered into on March XX, 2024, by and between Advisory Neighborhood Commission (ANC) 5C (“Protestant”) and Mechos Dominican Kitchen of Dakota Crossing, LLC t/a Mechos Dominican Kitchen (“Applicant”), 2450 Market Street NE, License #ABRA-114514, Retailer Class CR, ABCA Case #24-PRO-00015 (the “parties”).

WHEREAS, the Applicant has applied for a substantial change to the license for an entertainment endorsement inside and outside in the summer garden.

WHEREAS, the Applicant will operate in a manner that does not have an adverse impact on the peace, order and quiet in the neighborhood.

WHEREAS, the Applicant and ANC 5C desire to enter into a settlement agreement whereby the Applicant will agree to adopt certain measures to address concerns expressed by ANC 5C and whereby the parties consider this matter resolved upon approval of the settlement agreement by the Board.

THE PARTIES AGREE AS FOLLOWS:

Operating Hours:

Inside and Outside/Summer Garden:	7:00 AM to 12:30 AM
Alcoholic Beverage Sales, Service, and Consumption Inside and Outside/Summer Garden:	8:00 AM to 12:30 AM

Hours of Entertainment:

Inside:

Sunday through Thursday	12:00 PM to 9:00 PM
Friday and Saturday	12:00 PM to 12:00 AM

Outside/Summer Garden:

Sunday through Thursday	12:00 PM to 8:00 PM
Friday and Saturday	12:00 PM to 10:00 PM

Live Bands/Instruments Outside/Summer Garden:

Monday to Thursday	3:00 PM to 7:00 PM
Friday	3:00 PM to 10:00 PM
Saturday	12:00 PM to 10:00 PM
Sunday	12:00 PM to 8:00 PM

Noise Mitigation:

APPLICANT will comply with DC noise regulations, including the following ABCA regulations:

§ 25-725. Noise From Licensed Premises.

(a) The licensee under an on-premises retailer's license shall not produce any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment by the use of any:

- (1) Mechanical device, machine, apparatus, or instrument for amplification of the human voice or any sound or noise;
- (2) Bell, horn, gong, whistle, drum, or other noise-making article, instrument, or device; or
- (3) Musical instrument.

(b) This section shall not apply to:

- (1) Areas in the building which are not part of the licensed establishment;
- (2) A building owned by the licensee which abuts the licensed establishment;
- (3) Any premises other than the licensed establishment that are located within a commercial, manufacturing, or mixed-use zone, as defined in the zoning regulations and shown in the official atlases of the Zoning Commission for the District;
- (4) Sounds, noises, or music occasioned by normal opening of entrance and exit doors for the purpose of ingress and egress; or
- (5) Heating, ventilation, and air conditioning devices.

Only one (1) speaker will be used for the disc jockey (DJ) and that the speaker will be located next to the DJ.

APPLICANT will maintain control over the volume of the speaker and that the DJ will not be permitted to control the volume.

More than one speaker may be used for live bands, but the APPLICANT will always maintain control of the volume of the speakers at all times.

Live band performances will not include base instruments.

Opportunity to Cure:

Applicant agrees to provide ANC 5C with a telephone number to call if music or entertainment is too loud and will take immediate corrective action.

Aris Compres: _____

ANC 5C: _____

Date: _____