

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

In the Matter of:

Kaza Lounge, LLC
t/a Medusa Lounge

Application for Renewal of a
Retailer's Class CT License

at premises
2632 Georgia Avenue, NW
Washington, D.C. 20001

Case No.: 23-PRO-00060

License No.: ABRA-121559

Order No.: 2023-505

Kaza Lounge, LLC, t/a Medusa Lounge, Applicant

Brian Footer and Josh Jacobson, Commissioners, Advisory Neighborhood Commission
(ANC) 1E, Protestant

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

**ORDER ON SETTLEMENT AGREEMENT
AND WITHDRAWAL OF ANC 1E'S PROTEST**

The Application filed by Kaza Lounge, LLC, t/a Medusa Lounge (Applicant), for Renewal of its Retailer's Class CT License, having been protested, came before the Alcoholic Beverage and Cannabis Board (Board) for a Roll Call Hearing on July 31, 2023, and a Protest Status Hearing on September 13, 2023.

The official records of the Board reflect that the Applicant and ANC 1E have entered into a Settlement Agreement (Agreement), dated September 27, 2023, that governs the operations 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 Commissioners Brian Footer and Josh Jacobson, on behalf of ANC 1E, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by ANC 1E of this Application.

Accordingly, it is this 4th day of October 2023, **ORDERED** that:

1. The Protest of ANC 1E in this matter is hereby **WITHDRAWN**;
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:

Subsection 1(c) (Nature of the Establishment) – After Subsection 1(b), Subsection 1(c) shall be added and read as follows: “This agreement section shall not prevent the Licensee from applying for a change of license class and operating in accordance with any license or permit it may obtain from ABCA.”

Subsection 3(k) (Noise) – After the last sentence, the following language shall be added: “The appearance of ABCA personnel at any test is subject to the agreement of ABCA and is not a requirement of this agreement.”

The parties have agreed to these modifications.

3. Copies of this Order shall be sent to the Parties.

District of Columbia
Alcoholic Beverage and Cannabis Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac432b02d0d1f09e4b730073d1d2c28

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 547ac3732320d6ac8d1b3320a29430c

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 2b643f6ad2e140d774b7b6c77917d22d

Bobby Cato, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 821729125520447431b55f5c3a41829

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda7f1f9f0040ec14adeb52541ce5

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 and Cannabis Administration, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section II 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 1E
GOVERNMENT OF THE DISTRICT OF COLUMBIA

2605 SHERMAN AVE, NW
WASHINGTON, DC 20001
ANC1E.ORG
1E@ANC.DC.GOV

BRADLEY GALLAGHER
1E01@ANC.DC.GOV

BOBBIE LANCASTER
1E02@ANC.DC.GOV

MICHAEL WRAY, TREASURER
1E03@ANC.DC.GOV

RASHIDA BROWN, VICE CHAIR
1E04@ANC.DC.GOV

PHILIP NEWLAND
1E05@ANC.DC.GOV

JOSH JACOBSON, SECRETARY
1E06@ANC.DC.GOV

BRIAN FOOTER, CHAIR
1E07@ANC.DC

SETTLEMENT AGREEMENT BY AND BETWEEN ADVISORY NEIGHBORHOOD COMMISSION 1E AND KAZA LOUNGE, LLC (D.B.A. MEDUSA LOUNGE)

THIS VOLUNTARY AGREEMENT "Agreement" is made on this 27 day of September 2023 by and between Kaza Lounge, LLC ("Applicant") and the Advisory Neighborhood Commission 1E ("Protestant") collectively, ("the Parties").

WITNESSETH

WHEREAS, Applicant has applied for a Retailer's Class "C" Tavern License for a business ("Establishment"), Medusa Lounge, located at 2632 Georgia Ave, N.W., #2, Washington, D.C. ("Premises");

WHEREAS, the Parties have agreed to enter into this Agreement and request that the Alcoholic Beverage and Cannabis Board ("ABC Board") approve the Applicant's license application conditioned upon the Applicant's compliance with the terms of this written Agreement; 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 manner as to minimize the effect on (i) the peace, order and quiet of the neighborhood and (ii) pedestrian safety and vehicular traffic, and to eliminate the need for a Protest Hearing regarding the license application.

NOW, THEREFORE, in consideration of the provisions set forth above and the mutual covenants and conditions set forth below, 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:

Day		
Sunday	11:00 a.m.	2:00 a.m.
Monday	11:00 a.m.	12:30 a.m.
Tuesday	11:00 a.m.	12:30 a.m.
Wednesday	11:00 a.m.	12:30 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.

- 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.

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:
 - i. Installing an alarm to ensure rear doors are opened only in an emergency;
 - ii. 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 ABCA DC official Code Section 25-725, including, but not limited to:
 - i. Making reasonable architectural modifications to the Establishment; and
 - ii. Making reasonable upgrades to windows on the premises; and
 - iii. Making reasonable upgrades to the sound system; and
 - iv. Installing reasonable soundproofing and noise mitigation measures; and
 - v. recommended by a sound engineering professional; and

- vi. Marking dials on sound system to clearly indicate sound and bass levels to not be exceeded.
- 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 ABCA 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 ABCA 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, ABCA personnel, and sound engineering professionals within 30 days of ABCA approval of alcohol license in order to establish appropriate sound levels to ensure no sound is audible in neighboring residences according to ABCA 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 ABCA 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 ABCA 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 (ABCA), 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 and Cannabis 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 1E 2605 Sherman Ave NW Washington, DC 20001 1e@anc.dc.gov	If to Applicant: Kaza Lounge, LLC. Attn: Dawit Sermolo 2632 Georgia Ave NW Washington, DC 20001 dawit.sermolo@gmail.com
---	--

- b. **Failure to give notice shall not constitute waiver or acquiescence to the violation.**

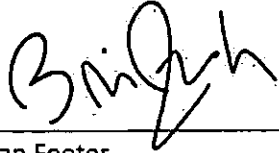
WHEREFORE, by the signing of the representatives of Applicant and ANC, Applicant hereby agrees to the aforementioned covenants and ANC agrees to refrain from filing a protest against Applicant's ABC License application, provided that this Agreement is incorporated into the Board's order approving Applicant's Class C Tavern ABC license.

Applicant Name: Dawit sermolo

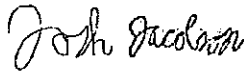
Applicant Signature: Dawit sermolo
#####

Certification:

After providing sufficient notice for and with a quorum of 6 present at its September 27, 2023 meeting, Advisory Neighborhood Commission 1E voted, with 6 Yeas, 0 Nays, and 0 Abstentions, to adopt the above settlement agreement.



Brian Footer
Chairperson, ANC 1E



Josh Jacobson
Secretary, ANC 1E