

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

In the Matter of:)	
)	
Association for the Preservation of Historic Congressional)	
t/a Historic Congressional Cemetery)	
)	
Applicant for a New)	License No.: ABRA-117891
Retailer's Class CX Multipurpose Facility License)	Order No.: 2021-865
)	
at premises)	
1801 E Street, SE)	
Washington, D.C. 20003)	
)	

Association for the Preservation of Historic Congressional, t/a Historic Congressional Cemetery,
Applicant

Brian Ready, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 6B

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

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Association for the Preservation of Historic Congressional, t/a Historic Congressional Cemetery (Applicant), Applicant for a new Retailer's Class CX Multipurpose Facility License and ANC 6B have entered into a Settlement Agreement (Agreement), dated October 14, 2021, 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 Chairperson Brian Ready, on behalf of ANC 6B, are signatories to the Agreement.

Accordingly, it is this 1st day of December 2021, **ORDERED** that:

1. 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; and
2. Copies of this Order shall be sent to the Applicant and ANC 6B.

District of Columbia
Alcoholic Beverage Control Board

eSigned via DocuSign.com
Donovan Anderson
Key: 432809154181046720091146028

Donovan Anderson, Chairperson

eSigned via Section Clerk.com
James Short
Key: 5c70c37013cc0a05d1b332912461c

James Short, Member

eSigned via SeambroDocs.com
Bobby Cato
Key: 2ed010a11e1c9074b550a12170211

Bobby Cato, Member

eSigned via SeambroDocs.com
Rafi Aliya Crockett, Member
Key: 35936184d111040141556b1291c2

Rafi Crockett, Member

eSigned via SeambroDocs.com
Jeni Hansen, Member
Key: 6272903f55447401550b1241352

Jeni Hansen, Member

eSigned via SeambroDocs.com
Edward Grandis, Member
Key: 5c271ba78b0940ac14ad1a52541ca5

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, 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).

SETTLEMENT AGREEMENT BY AND BETWEEN
ADVISORY NEIGHBORHOOD COMMISSION 6B
and
Assoc. for the Preservation of Historic Congressional Cemetery
d/b/a Historic Congressional Cemetery

Pursuant to this Settlement Agreement, (“Agreement”), by and between Assoc. for the Preservation of Historic Congressional Cemetery (d/b/a Historic Congressional Cemetery) (“Applicant”) and Advisory Neighborhood Commission 6B (“ANC6B”), effective as of the date of its adoption by ANC6B, the parties hereto hereby agree to be legally bound by the terms and conditions of this Settlement Agreement (SA) as it relates to conduct of business located at 1801 E Street, S.E Washington, DC 20003 (“Premises”).

WHEREAS, Applicant has applied before the District of Columbia Alcoholic Beverage Regulatory Administration (“ABRA”) to effect, and is seeking its approval of, a new Retailers’ Class “CX” License (ABRA-117891) (“License”); and,

WHEREAS, Applicant and ANC6B are desirous of voluntarily entering into and mutually memorialize in this SA the terms and conditions upon which ANC6B has agreed to support Applicant's License, pursuant to the provisions of D.C. Code § 25-446, for the operation and maintenance of Applicant’s business at the Premises in such a manner as to further promote the peace, order and quiet of the neighborhood as well as maintain security and sanitation of the Premises; and,

WHEREAS, this is intended to replace in its entirety any and all previously-existing Settlement Agreements between the Parties, and all such previous agreements are hereby declared superseded, null and void and of no further effect.

NOW, THEREFORE, Applicant and ANC 6B agree as follows:

1. Recitals Incorporated. The recitals set forth above are incorporated herein by reference.
2. Nature of the Business. Applicant will manage and operate a “CX” Multiple Purpose ABC license as the listed address (“Establishment”). The applicant will host special events including funerals, weddings, movie nights, festivals, roving theatrical performances, goat yoga, guided and group tours, and group gatherings partnering with food trucks and caterers to provide food on-site. Seating Capacity of 5,000 patrons. Total Occupancy Load of 15,000 patrons. In no event shall Applicant operate or seek to operate the Establishment more than the maximum number of patrons agreed to in this SA or that may lawfully occupy the Premises pursuant to its Certificate of Occupancy, whichever is more restrictive.
3. Hours of Operation, Sales, Service, and Consumption. Applicant’s hours of operation, and alcoholic beverage sales, service, and consumption may be changed from time to time in Applicant's discretion, as may be otherwise permitted by its License, but in no event shall exceed or extend beyond the following:

Hours of Operation of the Establishment:

Sunday through Saturday: 8:00 a.m. – 10:00 p.m.

Hours of Alcoholic Beverage, Sales, Service, and Consumption:

Sunday through Saturday: 5:00 p.m. – 10:00 p.m.

Provided, however, that (1) on days designated by the DC ABC Board as “extended Hours for ABC Establishments,” Applicant may serve alcoholic beverages for one additional hour; (2) in the event the Council of the District of Columbia or the ABC Board grant licensees in general extended operating hours for particular event(s), Applicant may avail itself of such extended hours; and, (3) on January 1 of each year Applicant may serve alcoholic beverages until 3 a.m. In addition, the Licensee may apply for a one-day substantial change, without objection from the ANC, to be allowed to offer entertainment inside the establishment on January 1. Applicant must submit, as required by regulation, any forms or documents to ABRA and gain approval for such extended hours of service and entertainment. These extended hours apply only to the hours of operation of the interior of the Premises.

4. Refuse Storage and Disposal. Applicant shall comply with DCMR 21-704.3-704.5 by utilizing and regularly maintaining one or more food waste (garbage) grinder(s) adequate in capacity to dispose of all readily grindable food wastes produced.

In consideration of the residential neighborhood, and the desire to minimize the impact of the Establishment on residents, Applicant agrees to adhere to the following conditions with respect to trash management, disposal, and the sanitary maintenance of the trash storage area.

- a. Garbage shall be collected one (1) day per week and recycling a minimum of one (1) day per week (or such more frequent schedules as may be necessary to prevent the receptacles from exceeding their capacity);
- b. Applicant will ensure timely trash collection and disposal that is the least disruptive to the neighbors. Garbage, recyclable, and grease collections shall not occur before 7:00 a.m. or after 10:00 p.m. No glass shall be placed in any exterior receptacle nor otherwise disposed after 10:00 p.m. or before 7:00 a.m. Any glass material needing to be recycled or otherwise disposed during this time period shall be stored inside the Establishment until at least 7:00 a.m. the following day.
- c. All receptacles used for garbage, recyclables, and grease shall be maintained in good repair, safe and sanitary condition and any damaged or leaking containers shall be promptly repaired or replaced.
- d. Applicant shall cooperate and permit inspection of the Premises, as may be reasonable pursuant to ABRA regulations or as may be reasonably requested by any authorized District of Columbia governmental entity;
- e. Applicant agrees to join in any coordinated effort with the adjacent tenants to address any rodent issues regardless of the source of such issues; and

5. Sanitation and Pest Control. Applicant shall maintain in force a contract for regular and recurring application of a plan for pest control that includes baiting or similar rodent abatement procedures abutting the rear entrance to the Premises (including the waste storage room). Applicant shall not store or place any kegs, bottles, foodstuffs, palettes of materials, or other consumable goods of any type outside the Premises. Applicant shall provide rat and vermin control for its property. Applicant shall provide proof of its rat and vermin control contract and of regular inspection and treatment pursuant to such contract, upon request from the Board. Applicant shall maintain property and take landscaping steps, such as removing thick ground cover, trimming bushes, closing rat holes, and using pond stones where needed, to reduce habitat for rats and vermin.


6. Restrictions on Use of Points for Access/Egress. In no event will Applicant encourage or permit commercial third-party vendors to park a delivery truck in the public alley at the rear of the Premises between the hours of 10:00 p.m. and 7:00 a.m. Applicant will notify commercial delivery vendors about the above prohibition and will not accept deliveries of food or other restaurant supplies from such vendors if, after repeated warnings, the vendor continues to park delivery trucks in the public alley.

7. Compliance with ABRA Regulations. Applicant will ensure that it abides by ABRA, Department of Consumer and Regulatory Affairs (DCRA), Department of Health (DOH), Department of Public Works (DPW) and other applicable DC Agency regulations regarding (a) conduct of its business and (b) the ownership of the license and all other provisions applicable to liquor licenses.

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.

Applicant:

Assoc. for the Preservation of Historic Congressional Cemetery, t/a Historic
Congressional Cemetery
ABRA# 117891
1801 E Street, SE
Washington, DC 20003
Sarah Kirspel
Vice President

Signature: 

Date: October 13, 2021

ANC:

Advisory Neighborhood Commission 6B
921 Pennsylvania Avenue, SE
Washington, DC 20003
Brian Ready, Chairperson
Phone: (312) 371-4745

Signature: Brian Ready Digitally signed by Brian Ready
DN: cn=Brian Ready, o=ANC, ou=ANC,
email=bready@yahoo.com, c=US
Date: 2021.10.14 13:38:32 -0400

Date: 10/14/2021