

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

In the Matter of:)
)
Catherine's Kitchen, LLC)
t/a Catherine's Kitchen)
)
Applicant for a New)
Retailer's Class CR License)
)
at premises)
4722 14th Street, NW)
Washington, D.C. 20011)
_____)

License No.: ABRA-108846
Order No.: 2018-130

Catherine's Kitchen, LLC, t/a Catherine's Kitchen (Applicant)

Maria Barry, Commissioner, Advisory Neighborhood Commission (ANC) 4C

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Donald Isaac, Sr., Member
Bobby Cato, Member
Rema Wahabzadah, Member

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Catherine's Kitchen, LLC, t/a Catherine's Kitchen (Applicant), and ANC 4C entered into a Settlement Agreement (Agreement), dated March 14, 2018, in accordance with D.C. Official Code § 25-446 (2001).

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Commissioner Maria Barry, on behalf of ANC 4C, are signatories to the Agreement.

Accordingly, it is this 28th day of March, 2018, **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, except for the following modifications:

Hour of Operation Inside Premises – “7:00 a.m.” shall be replaced with “9:00 a.m.”

Hour of Operation for Sidewalk Café – “7:00 a.m.” shall be replaced with “10:00 a.m.”

Section 4 (Outdoor Seating) – The language “in the Establishment's front yard and” shall be removed.

The parties have agreed to these modifications.

2. Copies of this Order shall be sent to the Applicant and ANC 4C.

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



Nick Alberti, Member



Mike Silverstein, Member



James Short, Member



Donald Isaac, Sr., Member



Bobby Cato, Member

Rema Wahabzadah, 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 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 (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

At a duly noticed public meeting of Advisory Neighborhood Commission (ANC) 4C held on March 14, 2018 with a quorum of 5 commissioners of 9 commissioners present, by a vote of 9 yeas, 0 nays and 0 abstentions, ANC 4C voted to support the ABRA-108846 permit application for a Retailers' Class "C" Restaurant Liquor License, pub, a sidewalk cafe, and a live entertainment endorsement at the subject premises and the attached settlement agreement between the ANC 4C ("The Parties) and Catherine's Kitchen, Daryl Denney and Carlos Wilcox ("The Applicant") for the restaurant to be located at 4722 14th Street NW, Washington, DC 20011.

WITNESSETH WHEREAS, Applicant's application for a liquor license with live entertainment endorsement for premises, 4722 14th ST NW, Washington, DC, 20011, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC), license number ABRA-108846; and,

WHEREAS, the premises is within the boundaries of the ANC, 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 a manner as to promote the peace, order and quiet of the neighborhood. Both parties recognize the importance of business neighborhoods that are safe, clean, and pedestrian friendly.

NOW, THEREFORE, the parties agree as follows:

I. Recitals Incorporated. The recitals set forth above are incorporated herein by reference.

NATURE OF OPERATION

New Class "C" Restaurant serving American Soul cuisine. Total Occupancy Load of 99 and seating for 65. Sidewalk Café with 10 seats.

HOURS OF OPERATION INSIDE PREMISES

Sunday through Thursday 7:00 am to 1:00 am, Friday and Saturday 7:00 am to 2:00 am

HOURS OF OPERATION FOR SIDEWALK CAFÉ

Sunday through Thursday 7:00 am to 11 pm, Friday and Saturday 7:00 am to 12:00 am

ENTERTAINMENT WILL BE LIMITED TO INSIDE THE PREMISES:

Sunday through Thursday, 10:00 a.m to 12:00 a.m. and Friday and Saturday, 10:00 a.m. – 1:00 a.m.

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES

Sunday through Thursday 10:00 a.m. to 1:00 a.m. (last call at 12:30 a.m.) Friday and Saturday 10:00 am to 2:00 am (last call is at 1:30 a.m.)

HOURS OF OPERATION/ ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALK CAFE

Sunday –Thursday 10:00 a.m. to 11:00 p.m., Friday and Saturday 10:00 a.m. to 12:00 a.m.

Provided, however, (1) on days designated by the DC ABC Board as "Extended Hours for ABC Establishments" Applicant may operate and serve alcohol 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; and (3) on January 1 of each year Applicant may serve alcoholic beverages until 4:00 a.m.

4. Outdoor Seating. If Applicant chooses to provide seating for patrons in the Establishment's front yard and public space, Applicant will ensure patrons do not block sidewalk passage. Applicant will direct that its employees inspect the sidewalk and front yard area on a regular basis to ensure its cleanliness. Applicant will follow DCRA's regulations on the operation of sidewalk cafes, as provided for in Chapter 24 of Title 3 of District of Columbia Municipal Regulations.

5. Noise and Privacy. Applicant will strictly comply with D.C. Official Code § 25-725 and will make architectural improvements to the property and will take actions, as necessary, to ensure that music, noise and vibration from the Establishment (including patrons, and including both public and private events) are not audible outside the establishment at any time. Applicant agrees to keep its doors closed when music is being played inside the establishment but may open its window panels during such times, provided that the music is not audible beyond the street curbside Applicant will actively work to maintain peace and quiet of patrons after leaving the business and not serving patrons who have a pattern of having produced noise, waste, or unruly behavior.

The back door from the alley to the kitchen will remain closed during entertainment hours except for necessary business use.

6. Entertainment Endorsement

Entertainment is defined as live music or any other performance by an actual person, including live bands, karaoke, comedy shows, poetry readings and disc jockeys. Entertainment does not include playing a television, radio, or other prerecorded music.

7. Public Space and Trash. Applicant shall keep the sidewalk (up to and including the curb) tree boxes, curb, and alley clean and free of litter, bottles, and other debris in compliance with D.C. Code and Municipal Regulations. Applicant shall police these areas sufficiently to ensure that refuse and other materials are promptly removed. Applicant will make ongoing efforts to make sure the tree box and sidewalk areas are

attractive and enhance the neighborhood.

Applicant shall ensure that the area around the dumpster is kept clean at all times and the dumpster is placed such that it does not encroach on the abutting property owners and that no garbage is placed on the abutting property. Applicant will ensure timely disposal no less than three (3) times per week that is the least disruptive to the neighbors. Commercial trash pickup in residential areas takes place between 7 a.m.-7 p.m.

8. Rats and Vermin Control. The Applicant shall provide rat and vermin control for its property. Applicant shall have the Establishment and the area around the Premises properly cleaned at the end of each night to ensure that there are not garbage and odors present the following morning.

9. Access to Public Alley, Garage and Parking. The Applicant shall not obstruct or prevent access to the public alley at any time. The Applicant will ensure that any food delivery drivers or services employed or contracted by the Applicant also do not obstruct or prevent access to the public alley at any time.

All loading and unloading for live entertainment will be through the front door and not the alley.

10. Food Service to Liquor Ratio: Applicant will maintain a ratio between food service and liquor sales such that at least 45% of sales will be from food. Applicant shall refuse to sell alcohol or cigarettes to legally underage persons and refuse to sell alcohol to inebriated [drunk] persons. Inebriated persons shall not be admitted to the establishment.

11. Security Cooperation in Stemming Illegal Drugs and Public Drinking. Applicant agrees that it shall take all necessary steps to minimize such problems, including, without limitation, designating a sufficient number of 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, maintaining contact and cooperating with MPD and other enforcement officials when known or suspected drug activities occur. Applicant shall to the full extent permissible by law discourage loitering in the vicinity of the Premises.

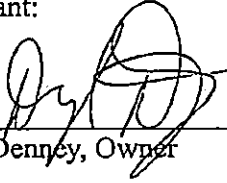
Applicant will maintain in working order at all times security cameras that cover the office, the bar, the dining room, the sidewalk, the north and south side of the alley. The footage from these cameras shall be kept for at least one month and be made available easily and quickly during business hours to MPD and ABRA.

12. Compliance with ABRA Regulations. Applicant promises that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licensees.

In witness whereof, the parties have executed this Settlement Agreement as of the day

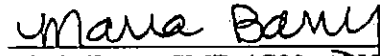
and date first written above.

Applicant:



Daryl Denney, Owner

Advisory Neighborhood Commission 4C:



Maria Barry, SMD 4C02, ANC 4C