

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

In the Matter of:)	
)	
Eat BRGZ 1, LLC)	
t/a Eat BRGZ)	
)	
Applicant for a New)	License No.: ABRA-113050
Retailer's Class CR License)	Order No.: 2019-442
)	
at premises)	
220 7th Street, SE)	
Washington, D.C. 20003)	

Eat BRGZ 1, LLC, t/a Eat BRGZ (Applicant)

Chander Jayaraman, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 6B

BEFORE: Donovan Anderson, Chairperson
Mike Silverstein, Member
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Eat BRGZ 1, LLC, t/a Eat BRGZ (Applicant), Applicant for a new Retailer's Class CR license, and ANC 6B have entered into a Settlement Agreement (Agreement), dated May 13, 2019, that governs the operation 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 Chander Jayaraman, on behalf of ANC 6B, are signatories to the Agreement.

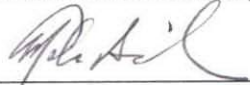
Accordingly, it is this 22nd day of May, 2019, **ORDERED** that:

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.

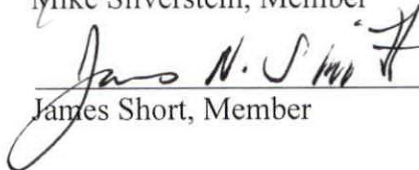
District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson

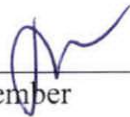


Mike Silverstein, Member



James Short, 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 BY AND BETWEEN
ADVISORY NEIGHBORHOOD COMMISSION 6B
and
Eat BRGZ 1 LLC, d/b/a Eat BRGZ

Pursuant to this Settlement Agreement, ("Agreement"), by and between Eat BRGZ 1 LLC, d/b/a Eat BRGZ ("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 the operation of the Applicant's business located at 250 7th Street, SE 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 "CR" Restaurant License (ABRA-113050) ("License") with Sidewalk Café and Summer Garden endorsements; and,

WHEREAS, Applicant and ANC6B are desirous of voluntarily entering into and mutually memorializing 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 area about the Premises; and,

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 restaurant ("Establishment") at the Premises. Applicant currently seeks a total seating for up to 85 patrons, inclusive of 25 indoor seating, up to 15 sidewalk café seating, and up to 45 summer garden seating. However, in no event shall Applicant operate or seek to operate the Establishment in excess of the maximum number of patrons that may lawfully occupy the Premises pursuant to its Certificate of Occupancy.
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:

Applicant's hours of operation within the establishment shall be as follows:

Sunday through Thursday: 7:30 a.m. – 2:00 a.m.
Friday and Saturday: 7:30 a.m. – 3:00 a.m.

Applicant's hours of hours of sales, service, and consumption of alcohol within the establishment shall be as follows:

Sunday through Thursday: 8:00 a.m. – 2:00 a.m.
Friday and Saturday: 8:00 a.m. – 3:00 a.m.

Applicant's hours of sales, service, and consumption of alcohol within the Summer Garden and Sidewalk Café shall be as follows:

Sunday through Thursday: 9:00 a.m. – 11:30 p.m.
Friday and Saturday: 9:00 a.m. – 12:00 a.m. Midnight (recognizing that there ARE residents directly above and across the street from the Establishment)

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 operate and serve alcoholic beverages until 3 a.m. In addition, the Licensee must submit, as required by regulation, any forms or documents to ABRA for a one-day substantial change, and gain approval for such extended hours or entertainment. These extended hours are for inside the Establishment.

4. Requirements for Operation of the Summer Garden & Sidewalk Café. Applicant shall operate its Summer Garden & Sidewalk Café in a manner that is consistent with the terms and conditions of this Agreement or its Public Space Management Branch Certification for such space, and shall cause its employees to maintain the Summer Garden & Sidewalk Café in a clean and orderly manner, and not to cause or permit storage of any refuse, foodstuffs, perishable or odiferous materials in or adjacent to the Premises (excepting trash and recycling receptacles for use by patrons). Applicant shall cause the area extending from the front or side door(s) to the curb in the front and side of the Establishment to be regularly swept and shall remove litter and debris on the ground, and empty trash and recycling receptacles no less than three (3) times during the hours of operation or more frequently, as necessary, weather permitting. Applicant shall provide exterior trash and recycling receptacles for use by customers to contain and minimize the disposal of waste and litter in public trash receptacles originating from the Establishment. If necessary, applicant shall also provide a separate receptacle for extinguishing and disposing of smoking materials, and other such supplemental refuse disposal receptacles as may be reasonably required.

5. Refuse Storage and Disposal. Applicant agrees to coordinate with the building owner or property management company (Eastbanc) to adhere to the following conditions with respect to waste disposal, trash management, and the sanitary maintenance of the trash storage area.

- a. Applicant shall dispose of non-grindable garbage, recyclable and non-recyclable trash in sealed bags that are placed in appropriate receptacles provided by Eastbanc;
- b. No garbage or recyclables may be placed in trash receptacles in any manner that would prevent the full closure of the receptacles;
- c. Applicant will notify Eastbanc of any grease and/or recycling spills as soon as practicable after they occur;
- d. Applicant will notify Eastbanc of any receptacles used for grease, garbage, recyclable trash and waste that are damaged, leaking, or that become bent or warped such that they are no longer rodent-proof and request that they be repaired or replaced; and

- e. Applicant shall not permit its employees to smoke within the loading dock or in nearby alleys.

6. Noise Mitigation. Applicant shall not create objectionable noises and sounds that are emitted beyond the curbside at the front (7th St., SE) or side (C St., SE) of the Establishment. Applicant agrees to keep its doors closed when music is being played at the Establishment recognizing that sound may briefly be audible during ingress and egress of customers. However, it is understood by the parties that Applicant may open its doors and that music may be played at such times at a level not audible beyond the street curbside. If necessary, Applicant will take reasonable steps to reduce noise emanating from the opening of the Establishment's entry doors.

7. Odor & Grease Control. Applicant shall undertake necessary and reasonable efforts to control and mitigate any odor emanating from the Premises by maintaining a grease extracting kitchen exhaust ventilation and filtering system. This system shall be of sufficient design and capacity as to reduce the external emission of any odors and grease particulates arising from food preparation at the Establishment. Applicant further agrees to contract with a licensed third-party vendor to regularly clean and/or exchange the filters per manufacturer recommendations or as often as necessary to ensure optimal grease and particulate removal and odor mitigation for the type and quantity of cooking undertaken. Applicant will ensure that any mechanical issues that develop with the equipment are promptly addressed.

8. Pest Control & Sanitation. 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. 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 is encouraged to join in any coordinated effort with adjacent Establishments or Eastbanc to address any rodent issues regardless of the source of such issues.

9. Deliveries, Parking & Storage. Applicant will notify all commercial third-party vendors who deliver goods and supplies to the Establishment to utilize the building's designated loading area during deliveries. To the extent practicable, Applicant shall discourage large commercial delivery vehicles from utilizing street parking and inform drivers of nearby commercial loading zones. Applicant shall not store or place any kegs, bottles, foodstuffs, palettes of materials, or other consumable goods of any type outside the Premises.

10. Controlling the Transport of alcohol off Premises and the Use of Illegal Drugs. Applicant shall post signage in conspicuous locations prohibiting the removal of alcoholic beverages purchased from the Establishment beyond the designated area of the Summer Garden and Sidewalk Café and agrees to monitor for and prohibit the movement of alcoholic beverages outside this area. Applicant agrees to maintain contact and cooperate with MPD and other enforcement officials to mitigate the possibility of drug sales within the premises, in the Summer Garden, or on the Sidewalk Café.

11. Compliance with Agency Regulations. Applicant understands, agrees, and promises that they will maintain compliance with all laws and regulations of the District of Columbia at all times. Specifically, Applicant will ensure strict adherence to ABRA, Department of Consumer and

Settlement Agreement

ANC 6B

Regulatory Affairs (DCRA), Department of Health (DOH), and other applicable D.C. Agency regulations regarding (a) conduct of its business and (b) the ownership of the license and all other provisions applicable to liquor licenses.

12. Notice and Opportunity to Cure. In the event that the Applicant is in breach of their SA, it shall be entitled to reasonable notice and opportunity to cure, as a condition precedent to seeking enforcement of the SA. Unless the breach is of an emergency nature or is a repetition of a prior breach, reasonable notice and opportunity shall be provided for a cure within 10 calendar days of the date of such notice. If Applicant refuses or fails to commence the cure or diligently to pursue such cure within the 10-day period (or a breach which reasonably requires more than 10 days to cure), such refusal or failure shall constitute a cause for filing a complaint with the ABRA Board pursuant to D.C. Code § 25-447.

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

Applicant:

Eat BRGZ 1 LLC, d/b/a Eat BRGZ
ABRA# 113050
250 7th Street, SE
Washington, DC 20003
Brandon Gaynor, Manager

Signature: 

Date: 05/13
/19

ANC:

Advisory Neighborhood Commission 6B
921 Pennsylvania Avenue, SE
Washington, DC 20003
Chander Jayaraman, Chairperson

Signature: 

Date: 5-13-19

ANC 6B

Capitol Hill / Southeast

921 Pennsylvania Avenue SE
Washington, DC 20003-2141
6B@anc.dc.gov

May 16, 2019

OFFICERS

Chairperson
Chander Jayaraman

Vice-Chair
Kasie Clark

Secretary
Jerry Sroufe

Treasurer
Corey Holman

Parliamentarian
Brian Ready

COMMISSIONERS

SMD 01 Jennifer Samolyk
SMD 02 Jerry Sroufe
SMD 03 Brian Ready
SMD 04 Kirsten Oldenburg
SMD 05 Steve Holtzman
SMD 06 Corey Holman
SMD 07 Kelly Waud
SMD 08 Chander Jayaraman
SMD 09 Kasie Clark
SMD 10 Denise Krepp

Donovan Anderson, Chair
Alcoholic Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, DC 20009

VIA E-MAIL: abra.legal@dc.gov

RE: ABRA-113050; Eat Brgz 1, LLC, d/b/a Eat Brgz, 250 7TH ST SE; New Class "CR"
Restaurant Application with a sidewalk café and summer garden endorsements.

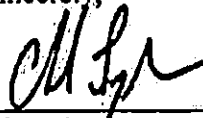
Dear Chair Anderson:

At its regularly scheduled, properly noticed, meeting on May 14, 2019, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 10-0-0 to support the above-referenced application.

For your review and approval, please find attached a Settlement Amendment (SA), which was executed by both ANC 6B and the Applicant. To the extent that the ABRA Board does not approve the carefully negotiated SA, or if the Applicant rejects Board requested modifications to the SA, the Commission wishes to protest the application due to the impact of the establishment on the peace, order, and quiet of the neighborhood.

Please contact Commissioner Chander Jayaraman, ANC 6B's Alcohol Beverage Control Committee Chair, at 202-546-2609 or 6b08@anc.dc.gov if you have questions or need further information. Thank you.

Sincerely,



Chander Jayaraman
Chairman, ANC 6B

cc: via e-mail

Applicant / Counsel:
SMD Commissioner:

Brandon Gaynor / Matt Minora
Gerald Sroufe