

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

In the Matter of:)	
DC Live, LLC)	
t/a Elevate)	
Applicant for Substantial Change)	License No.: ABRA-100316
(Sidewalk Cafe))	Order No.: 2019-144
to a Retailer's Class CT License)	
at premises)	
15 K Street, NE)	
Washington, D.C. 20002)	

DC Live, LLC, t/a Elevate (Licensee)

Stephen O'Neal, Commissioner, Advisory Neighborhood Commission (ANC) 6C

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

ORDER ON ADDENDUM TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that DC Live, LLC, t/a Elevate and ANC 6C entered into a Settlement Agreement (Agreement), dated February 17, 2016, and an Amendment to Settlement Agreement (Amendment), dated May 23, 2017. This matter comes now before the Board to consider the Parties' Addendum to Settlement Agreement (Addendum), dated February 25, 2019, in accordance with D.C. Official Code § 25-446 (2001).

The Addendum has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Commissioner Stephen O'Neal, on behalf of ANC 6C, are signatories to the Addendum.

Accordingly, it is this 20th day of March, 2019, **ORDERED** that:

1. The above-referenced Addendum to Settlement Agreement submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modifications:

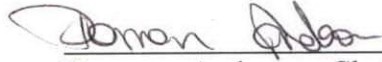
Section 2 (Summer Garden Hours) – This Section shall be modified to read as follows: “Elevate agrees that the hours of operation, sales, service, and consumption for the Summer Garden area shall not extend beyond 12:00 AM, Sunday – Thursday and 1:00 AM on Friday and Saturday.”

Section 3 (Sidewalk Café Hours) – This Section shall be modified to read as follows: “Elevate agrees that the hours of operation for the Sidewalk Café area shall not extend beyond 12:00 AM, Sunday-Thursday and 1:00 AM on Friday and Saturday. The Sidewalk Café hours of alcoholic beverage sales, service, and consumption shall be 10:00 AM – 12:00 AM Sunday through Thursday and 10:00 AM-1:00 AM Friday and Saturday. At the end of the sidewalk café hours of operation, no patrons shall remain in the sidewalk café area, and the Applicant shall secure the tables and chairs so as to make them unavailable for use by late-night passerby. After the sidewalk café closes, the Applicant shall promptly remove all litter and empty any outside waster receptacle(s) so that such materials do not remain in or near the sidewalk café overnight.”

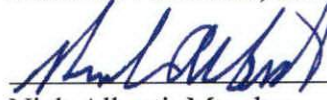
The parties have agreed to these modifications.

2. All terms and conditions of the original Settlement Agreement and Amendment to Settlement Agreement not amended by the Addendum, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee and ANC 6C.

District of Columbia
Alcoholic Beverage Control Board



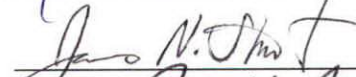
Donovan Anderson, Chairperson



Nick Alberti, Member



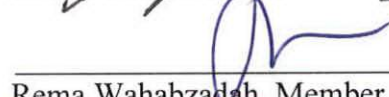
Mike Silverstein, Member



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).

Addendum to Voluntary Agreement

This addendum to the Voluntary Agreement executed on January 17, 2016 is made and entered into as of February 25, 2019 by and through DC Live, LLC t/a Elevate (hereinafter "Elevate" or the "Applicant") and the Advisory Neighborhood Commission 6C (hereinafter "ANC") and shall supersede any terms in any other agreement.


The Parties agree as follows:

- 1. Tavern Hours:** Elevate agrees that the hours of operation shall be from 10 AM until 2 AM Sunday – Thursday and 10 AM until 3 AM on Friday and Saturday. The ANC agrees that Elevate may apply for extended holiday hours for indoor operation of the establishment on holidays recognized by the Alcoholic Beverage Regulation Administration ("ABRA") Extended Holiday Hours program, provided, however, that Elevate may sell and serve alcoholic beverages until 4 AM on such extended holiday evenings but shall not operate for 24 hours on these holidays. Patrons shall be encouraged leave the premises peacefully and quietly without disturbing the residents in the surrounding neighborhood.
- 2. Summer Garden Hours:** Elevate agrees that the hours of operation for the Summer Garden area shall not extend beyond 12:00 AM, Monday – Thursday and 1:00 AM on Friday, Saturday and Sunday.
- 3. Sidewalk Café Hours:** Elevate agrees that the hours of operation for the Sidewalk Cafe area shall not extend beyond 12:00 AM, Monday – Thursday and 1:00 AM on Friday, Saturday and Sunday. The Sidewalk Café hours of alcoholic beverage sales, service, and consumption shall be 8:00 AM-1:00 AM Monday through Thursday and 8:00 AM-1:00 AM Friday and Saturday. At the end of the sidewalk café hours of operation, no patrons shall remain in the sidewalk café area, and the Applicant shall secure the tables and chairs so as to make them unavailable for use by late-night passersby. After the sidewalk café closes, the Applicant shall promptly remove all litter and empty any outside waste receptacle(s) so that such materials do not remain in or near the sidewalk café overnight.
- 4. Noise Suppression:** The Applicant's operation shall at all times comply with the D.C. Noise Control Act and D.C. Official Code § 25-725. Applicant acknowledges that noise is a critical issue for the neighborhood.
 - a. Applicant shall encourage employees and patrons to be considerate of residents in the neighborhood by keeping voices and other noises at a level that will not disturb the peace, order, quiet, and tranquility of residents in the enjoyment of their homes.

- b. Applicant shall keep the exterior door(s) closed at all times after the end of the sidewalk café's operating hours, except when patrons and staff are entering or exiting the interior premises.
5. **Termination:** Applicant agrees that in the event three residents from separate addresses deem noise after 10:00 PM (including, but not limited to, noise from speakers or other amplification devices) unduly disruptive and file a written complaint or complaints to either ABRA or the ANC to that effect, the parties shall amend the agreement to remove the terms of this addendum as relevant to the complaints.
6. **Renewal:** Applicant agrees that terms of this this addendum will terminate at the end of each calendar year, and be automatically renewed in the absence of action by the ANC to express the intent to refuse renewal.

IN WITNESS WHEREOF, the Parties place their signatures to this agreement, this 26th day of February, 2019.

Applicant:



Advisory Neighborhood Commission 6C:

Stephen O'Neal

Stephen O'Neal
ANC 6C ABL Committee Chair