

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

**In the Matter of:**

Giant of Maryland LLC  
t/a Giant Food 2381

Holder of a  
Retailer's Class B License

at premises  
300 H Street, N.W.  
Washington, D.C. 20002

Case No.: N/A  
License No.: ABRA-091952  
Order No.: 2021-231

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

**ALSO PRESENT:** Giant of Maryland, LLC, t/a Giant #2381, Applicant

Stephen O'Brien, Counsel, on behalf of the Applicant

Joel Kely, Commissioner, Advisory Neighborhood Commission (ANC)  
6C, Protestant

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**ORDER APPROVING AMENDMENT TO SETTLEMENT AGREEMENT**

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In Board Order No. 2018-248, the above-mentioned Applicant and Advisory Neighborhood Commission (ANC) 6C entered into a settlement agreement. The parties have subsequently agreed to an amendment of their original agreement, which the Board approves.

Therefore, the Board on this 28th day of April 2021, pursuant to D.C. Official Code § 25-446, hereby **APPROVES** the amendment to the settlement agreement described in Board Order No. 2018-248. The amendment shall be incorporated as part of this Order and the Applicant shall operate in accordance with its terms. The original settlement agreement shall remain in effect except as amended. A copy of this Order shall be sent to the parties.

District of Columbia  
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
Key: 5c432b00b7c5580e4b730693d1ccc74

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Donovan Anderson, Chairperson

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*James Short*  
Key: 5476c373929de0c6a1b332e024577

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James Short, Member

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*Bobby Cato*  
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Bobby Cato, Member

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Rema Wahabzadah, Member

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*Rafi Altiya Crockett, Member*  
Key: b58d0e1845e10e4016155abc12781e7

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Rafi Crockett, Member

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*Jeni Hansen, Member*  
Key: 0272091c509447401b50f0c2a487

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Jeni Hansen, Member

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*Edward Grandis, Member*  
Key: 5027bda7f09D040ec14adeb52541ce5

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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 14<sup>th</sup> 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).

## FIRST AMENDMENT TO SETTLEMENT AGREEMENT

This First Amendment to Settlement Agreement is made on this 21 day of April, 2021, by and between Giant of Maryland, LLC ("**Applicant**"), t/a Giant Food 2381, at 300 H Street, NE, Washington, DC 20002, ABRA License #091952, and Advisory Neighborhood Commission 6C (the "**ANC**"), (collectively, the "**Parties**").

### WITNESSETH

**WHEREAS**, the Parties entered into a Settlement Agreement dated April 18, 2018 ("the Agreement"), with regard to certain aspects of operation of the Giant Food store located at 300 H Street, NE, Washington; and,

**WHEREAS**, the Parties desire hereby to amend the Agreement and, thereby resolve, the ANC's pending protest of reissuance of the Applicant's ABC Class B license;

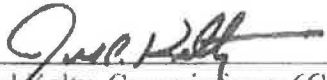
**NOW, THEREFORE**, in consideration of the recitals set forth above and the mutual covenants and conditions set forth below, the Parties agree as follows:

1. The first paragraph of Section 2 of the Agreement is amended to provided that deliveries to the subject store on Sundays shall not commence until 10:00 A.M.
2. The final paragraph of Section 2 of the Agreement is amended by adding an additional sentence reading as follows: "The "Delivery Restrictions" memorandum attached to the Agreement shall be recirculated to Applicant's third-party vendors and Applicant's own drivers within 30 days of the date of this First Amendment."
3. Section 2 of the Agreement is amended by adding a new final paragraph reading: "Within 30 days of the date of this First Amendment, Applicant shall install prominent signage at the interior points of exit of its loading dock bays reading: 'Left Turn Only.'"
4. Except as explicitly amended hereby, the April 18, 2018 Settlement Agreement remain in full force and effect and unmodified.


(SIGNATURE PAGE FOLLOWS NEXT)

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the date and year first above written.

**ADVISORY NEIGHBORHOOD COMMISSION 6C**

By:   
Joel Kelty, Commissioner 6C05

**GIANT OF MARYLAND, LLC**

By:   
Irfan Badibanga, Senior Vice President