

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

In the Matter of:

Harvest Tide Capitol Hill DC, LLC
t/a Harvest Tide Steak House

Holder of a
Retailer's Class CR License

at premises
212 7th Street, SE
Washington, D.C. 20003

License No.: ABRA-118108
Order No.: 2023-051

Harvest Tide Capitol Hill DC, LLC, t/a Harvest Tide Steak House, Licensee

Edward Ryder, Chairperson, 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 AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Harvest Tide Capitol Hill DC, LLC, t/a Harvest Tide Steak House (Licensee), and ANC 6B entered into a Settlement Agreement (Agreement), dated June 8, 2021, that governs the operations of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated January 30, 2023, in accordance with D.C. Official Code § 25-446 (2001).

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Edward Ryder, on behalf of ANC 6B, are signatories to the Amendment.

Accordingly, it is this 1st day of February 2023, **ORDERED** that:

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

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac43c306286d1d0e4c730080d1d1cc08

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 5c77ac3728700cc6c8c11b3325d2849e2

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 256d21ca27be149d7f4d75bd7917d201

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: b550de91845e18de4016155be5e12f91cc

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 82:7291:522544743; b556c2a41827

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda7ff7c042cc14adeb52541ce5

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).

**AMENDMENT TO THE SETTLEMENT AGREEMENT
BY AND BETWEEN ADVISORY NEIGHBORHOOD COMMISSION 6B
and
Harvest Tide Capitol Hill DC, LLC
d/b/a Harvest Tide Steak House**

Pursuant to this Amendment to the Settlement Agreement, ("Amendment"), by and between Harvest Tide Capitol Hill, d/b/a Harvest Tide Steakhouse ("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 the existing Settlement Agreement (SA) and this Amendment as it relates to the operation of Applicant's business located at 121 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 substantial change application to their existing Retailers' Class "C" Restaurant License (ABRA-118108) ("License") with the addition of an Entertainment Endorsement; and,

WHEREAS, Applicant and ANC6B are desirous of voluntarily entering into and to mutually memorialize the terms and conditions upon which ANC6B has agreed to support the application for an Entertainment Endorsement. Pursuant to the provisions of D.C. Code §25-446, this Amendment to the existing Settlement Agreement details the settlement between the parties for the operation and maintenance of Applicant's business in a manner that the maintenance of peace, order, and quiet in the neighborhood.

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

1. Recitals Incorporated. The recitals set forth above are incorporated herein by reference.
2. Add the following to Section 3. Hours of Operation, Sale, Service, and Consumption. Immediately following the listed hours of operation, insert:

"Applicant's Hours of Entertainment

Sunday thru Thursday: 10:00 AM to 10:00 PM

Friday and Saturday 10:00 AM to 11:00 PM

Operational Conditions. ANC6B and Applicant have agreed to the following conditions related to the Entertainment Endorsement with the following conditions:

- a. Applicant shall strictly comply with Section 6. Noise Mitigation of this SA;
- b. Any and all Entertainment provided by the Applicant shall be limited to the interior areas of the Establishment;
- c. Any and all Entertainment shall not utilize any type of device or equipment for amplification;"

- 3. Amend language in Section 6. Noise Mitigation as follows:

Replace: the first sentence of Section 6--"No objectionable noises... emitted beyond the immediate proximity of the Premises will be created by Applicant." with "No ~~objectionable~~ noises... emitted beyond the street curbside or the rear property line of the Premises will be created by Applicant.

- 4. Agreement Otherwise in Full Force and Effect. Except as otherwise explicitly provided herein, the terms of the existing SA shall remain in full force and effect, and the SA and this Amendment shall constitute the agreement between the parties. This Amendment or the SA may only be modified by written agreement of all the parties or their successors, or otherwise in accordance with law.


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

Applicant:

Harvest Tide Capitol Hill DC, LLC d/b/a Harvest Tide Steakhouse
 ABRA# 118108
 212 7th Street, SE
 Washington DC 20003

Name of person authorized to sign: Enrique Somoza

Title: Owner

Signature  Date: 01/30/2023

ANC:

Advisory Neighborhood Commission 6B
 700 Pennsylvania Avenue SE, 2nd Floor
 Washington DC 20003
 Edward Ryder, Chairperson

Signature  Date: 01/30/2023