

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

In the Matter of:

His and Hers Restaurant DC, LLC

Applicant for a New
Retailer's Class CT License

at premises
2214 Rhode Island Avenue, NE
Washington, D.C. 20018

License No.: ABRA-120010
Order No.: 2022-075

His and Hers Restaurant DC, LLC, Applicant

Jacqueline Manning and Jeremiah Montague, Jr., Commissioners, on behalf of Advisory
Neighborhood Commission (ANC) 5C

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

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that His and Hers Restaurant DC, LLC (Applicant), Applicant for a new Retailer's Class CT License, and ANC 5C have entered into a Settlement Agreement (Agreement), dated January 5, 2022, that governs the operations 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 Commissioners Jacqueline Manning and Jeremiah Montague, Jr., on behalf of ANC 5C, are signatories to the Agreement.

Accordingly, it is this 2nd day of March 2022, **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 5C.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamlessDocx.com
Donovan Anderson
Key: a743b94b0e455f9e4a730093d1a2c08

Donovan Anderson, Chairperson

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James Short
Key: 547ea373f90a8e1c81b30282649ec

James Short, Member

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Bobby Cato
Key: 255d3fca3f8e146e7f4b70bd7917a2c8

Bobby Cato, Member

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Rafi Atiya Crockett, Member
Key: 255d5e61b45e1f8e40161555c12f81c2

Rafi Crockett, Member

eSigned via SeamlessDocx.com
Jeni Hansen, Member
Key: 82172931f5094474316597c214161f

Jeni Hansen, Member

eSigned via SeamlessDocx.com
Edward Grandis, Member
Key: 5527bda78f60c40ec144de652541ce5

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).

ANC & Community Agreement Proposal

January 5, 2022

In the matter of:

His and Hers Restaurant DC, LLC, v/a TBD, as before the DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL BOARD,

License No: ABRA-120010

Application for a New Retailer's Class "C" Tavern License, at premises 2214 Rhode Island Avenue, N.E., Washington, D.C. 20018

Agreement

Board APPROVE the Application for a New Retailer's Class CT License at premises 2214 Rhode Island Avenue, N.E. filed by His and Hers Restaurant DC LLC, v/a TBD subject to the following CONDITIONS agreed to by the parties:

1. The license holder's hours of operation and hours of sale, service, and the consumption of alcoholic beverages for the interior shall not begin before 8:00 a.m. or exceed 2:00 a.m. on any day of the week.
2. The license holder's hours of operation and hours of sale, service, and consumption of alcoholic beverages for the summer garden, patio, or other exterior allowances, shall not begin before 8:00 a.m. on any day of the week or exceed 12:00 a.m., Sunday through Thursday, or 1:00 a.m. on Friday or Saturday.
3. The conditions contained in this agreement shall not prevent or prohibit the license holder from applying for, receiving, or operating under any extended hours or additional hours granted under the law.
4. The license holder shall not operate the establishment as a nightclub.
5. The license holder shall not have cover charges except for cover charges related to any charitable or political events.
6. The license holder shall not have a dance floor.
7. The license holder shall not have VIP table service.
8. The license holder shall not have VIP bottle service.
9. The license holder shall not have amplified music or sound on the rooftop, patio, or summer garden.
 - a. The summer garden, patio, or sidewalk café, shall occur only with necessary ABRA endorsement(s), with DDOT public space permit allowing
 - b. The summer garden, patio, or sidewalk café shall have no ABRA controlled beverages allowed, occurring only with active ABRA endorsement(s), and DDOT License(s) necessary and required
 - c. Once permitted, and licensed, the summer garden, patio, or sidewalk café, shall maintain noise levels consistent with ABRA regulations, as well as, be maintained in a cleanly manner at all times,
10. Upon execution of this agreement, the Advisory Neighborhood Commission 5C, nor the Single Member District SC07, shall not protest the current ABRA application, as long as the applicant remains in compliance.

The Applicant agrees that the failure to adhere to these conditions imposed by this agreement may be enforced under D.C. Official Code § 25-823(a)(6) (requiring compliance with ABRA Board orders) and 25-823(a)(7) (requiring compliance with "the terms of ... [the] license approved by the Board.").

ANC SC07

date

1/19/2022

ANC SC

01/32/2022 date

1/19/2022

Applicant (or authorized agent)

Paul Winston

date

1/18/22