

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

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In the Matter of:)
)
DC Three Lessee, LLC)
t/a Hotel Rouge)
)
Holder of a)
Retailer's Class CH License)
)
at premises)
1315 16th Street, NW)
Washington, D.C. 20036)
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License No.: ABRA-079244
Order No.: 2018-555

DC Three Lessee, LLC, t/a Hotel Rouge (Applicant)

Daniel Warwick, Chairperson, Advisory Neighborhood Commission (ANC) 2B

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

ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT


The official records of the Alcoholic Beverage Control Board (Board) reflect that DC Three Lessee, LLC, t/a Hotel Rouge (Licensee), located at 1315 16th Street, NW, Washington, D.C., and ANC 2B entered into a Settlement Agreement (Agreement), dated May 8, 2018, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated September 24, 2018, 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 Daniel Warwick, on behalf of ANC 2B, are signatories to the Amendment.

Accordingly, it is this 26th day of September, 2018, **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 2B.

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson




Nick Alberti, Member



Mike Silverstein, Member




James Short, Member



Donald Isaac, Sr., 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).

AMENDMENT OF SETTLEMENT AGREEMENT

THIS AMENDMENT OF SETTLEMENT AGREEMENT ("Amendment") is made on this 24 day of September, 2018 by and between DC Three Lessee, LLC t/a Hotel Rouge, 1315 16th St., NW, License #ABRA-079244 ("Applicant"), and Advisory Neighborhood Commission 2B ("ANC 2B"), (collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant has applied for a Sidewalk Café endorsement to the Retailer Class CH, License Number 079244, for a business establishment ("Establishment") located at 1315 16th St., NW, Washington, D.C. ("Premises");

WHEREAS, Applicant and ANC 2B have a Settlement Agreement dated May 8, 2018;

WHEREAS, ANC 2B does not object to the application for a sidewalk café endorsement;

WHEREAS, the Parties have agreed to enter into this Amendment and request that the Alcoholic Beverage Control Board ("ABC Board") approve the Applicant's application for the sidewalk café endorsement conditioned upon the Applicant's compliance with the terms of this written Amendment; and

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

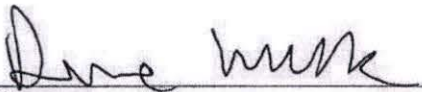
1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. Section 2 of the Settlement Agreement shall be replaced with:
 2. **Nature of the Business.** The Applicant will manage and operate a Retailer Class CH establishment with a restaurant, rooftop penthouse, and rooftop summer garden, and a sidewalk café.
3. Section 3 of the Settlement Agreement shall have the following hours at the end of the section:
 3. **Hours of Operation and Sales.**
 - Hours of operation of the sidewalk café:
 - Sunday through Thursday 7am – 10pm
 - Friday and Saturday 7am – 11pm
 - Hours of alcoholic beverage sales, service and consumption for the sidewalk café:
 - Sunday through Thursday 8am – 10pm
 - Friday and Saturday 8am – 11pm

4. Section 4 of the Settlement Agreement shall be replaced with:

4. **Occupancy.** The Establishment's certificate of occupancy will state the maximum number of seats and occupant load. The Establishment's Public Space Permit will state the maximum number of seats for the sidewalk café, however, not to exceed 50.

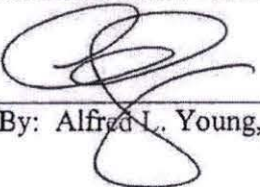
ADVISORY NEIGHBORHOOD COMMISSION 2B:

By: Daniel Warwick, Chair ANC 2B


Signature

APPLICANT:

DC Three Lessee, LLC, t/a Hotel Rouge
Establishment's Name


By: Alfred L. Young, Jr., President