

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

In the Matter of:)
)
as you are, LLC)
t/a as you are)
)
Application for a New)
Retailer's Class CT License)
)
at premises)
500 8th Street, SE)
Washington, D.C. 20003)
)

License No.: ABRA-119997
Order No.: 2022-059

as you are, LLC, t/a as you are, Applicant

Amy Muhlberg, Abutting Property Owner

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 as you are, LLC, t/a as you are (Applicant), Applicant for a new Retailer's Class CT License and Amy Muhlberg, Abutting Property Owner, have entered into a Settlement Agreement (Agreement), dated February 9, 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 Amy Muhlberg are signatories to the Agreement.

Accordingly, it is this 16th day of February 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 parties.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac43c265663376e4b7350301d009f

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 547ee378922d6fa9f1b332842f48e

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 25543fca4fba146d74b75bd7917d20d

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: b560e61843e1f9e4016155e5c1281cc

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 82172051f0559447491b556c2a41815

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5927bda7f0f0040ec14adab52541ce5

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).

SETTLEMENT AGREEMENT BY AND BETWEEN
ABUTTING PROPERTY OWNER AT 807 E STREET SE
and
As You Are, LLC t/a As You Are Tavern

Pursuant to this Settlement Agreement, ("Agreement"), by and between As You Are, LLC ("Applicant") t/a As You Are Tavern ("Establishment") and Amy Muhlberg, the owner of the abutting property at 807 E Street SE, (collectively, the "Parties"), the parties hereto hereby agree to be legally bound by the terms and conditions of this Settlement Agreement (SA) as it relates to the operation of Applicant's business located at 500 8th 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 new Retailers' Class "CT" Tavern (ABRA License No. 119997) ("License"); and

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

WHEREAS, the Parties are desirous of entering into a Voluntary Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to minimize the adverse impact on the peace, order, and quiet of the neighborhood and to eliminate the need for a Protest Hearing regarding the license application.

NOW, THEREFORE, Applicant and Amy Muhlberg, the owner of 807 E Street SE, agree as follows:

1. Recitals Incorporated. The recitals set forth above are incorporated herein by reference.
2. To incorporate all terms and conditions of the settlement agreement between the Applicant and ANC 6B (attached) as signed on February 4, 2022 with the addition of two provisions in section 7, namely:
 - a. Having identified settings and levels for amplified music that result in no music, noise, or vibrations from the Establishment being audible or felt in the abutting neighbor's premises located at 807 E Street SE, Applicant agrees to ensure that those settings and levels are not exceeded by installing sound limiters on audio equipment to ensure that third parties (e.g., DJs) cannot override volume and other controls at the establishment. During hours when amplified music is played, such limiters will be under lock and key and only accessible to a Manager on Duty; and
 - b. At any time when there is a line to enter the Establishment, Applicant agrees to ensure that the line forms only on the 8th Street SE side and, as conditions warrant, may need to close the sidewalk café area to seating to accommodate any lines of patrons seeking entry.
3. This Agreement 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:

As You Are LLC, t/a As You Are
500 8th Street, SE
Washington, DC 20003

Jo McDaniel and Rach Pike
jo@asyouarebar.com rach@asyouarebar.com

Signature: Rachel Pike Date: 2/9/2022

Signature: Jo McDaniel Date: 2/9/2022

Abutting property owner:

Amy Muhlberg
807 E Street SE
Washington DC 20003

Signature: Amy Muhlberg Date: AM