

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

In the Matter of:)	
)	
Ivey and Coney, LLC)	
t/a Ivy and Coney)	
)	
Holder of a)	License No. ABRA-092860
Retailer's Class CT License)	Order No. 2015-431
)	
at premises)	
1537 7 th Street, N.W.)	
Washington, D.C. 20001)	

Ivey and Coney, LLC, t/a Ivy and Coney (Licensee)

Marge Maceda, Chairperson, Advisory Neighborhood Commission (ANC) 6E

Brian Peters, President, Central Shaw Neighborhood Association (CSNA)

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member
Hector Rodriguez, Member
James Short, Member

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Ivey and Coney, LLC, t/a Ivy and Coney, (Licensee), ANC 6E, and CSNA have entered into a Settlement Agreement (Agreement), dated June 2, 2015, that governs the operation of the Licensee's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant; Chairperson Marge Maceda, on behalf of ANC 6E; and Brian Peters, on behalf of CSNA; are signatories to the Agreement.

Accordingly, it is this 24th day of September, 2015, **ORDERED** that:

1. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modifications:

Section 2 (Nature of the Summer Garden) – The last sentence shall be modified to read as follows: “The seating capacity of the Summer Garden in the new space shall be 35, bringing the Establishment's total occupancy to 72.”

Section 3(b) (Hours of Operation/Entertainment) – The second sentence shall be modified to read as follows: “Live or recorded music or DJs shall only be permitted during brunch (offered 10:00 AM to 3:00 PM, Saturdays and Sundays) or private events.”

Section 3(c)(1) (Hours of Operation/Entertainment) – This Subsection shall be modified to read as follows: “Entertainment at Saturday and Sunday Brunch (offered from 10:00 AM to 3:00 PM) and on New Year's Eve is unrestricted.”

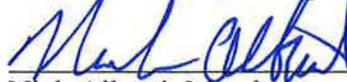
The parties have agreed to these modifications.

2. Copies of this Order shall be sent to the Licensee, ANC 6E, and CSNA.

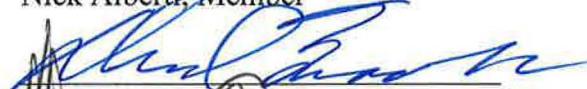
District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member



Mike Silverstein, Member

Hector Rodriguez, Member



James Short, 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).

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is made on this Second day of June 2015 by and between Ivy & Coney, LLC, 1537 7th Street, NW, Washington, DC, ABRA License ABRA-092860 ("Establishment"), and Advisory Neighborhood Commission 6E ("ANC 6E") (collectively, "the Parties").

WITNESSETH

WHEREAS, Establishment, located at 1537 7th Street, NW Washington, DC, ("the Premises"), has applied for a Summer Garden Endorsement for an existing tavern license and Entertainment Endorsement; and,

WHEREAS, the Parties are desirous of entering into a Settlement Agreement pursuant to D.C. Official Code § 25-446 governing certain aspects of the operation and maintenance of the Establishment in such a manner as to minimize the potential for negative effects of operation of the Establishment on the surrounding neighborhood; and,

WHEREAS, in lieu of contested proceedings, the Parties have agreed to enter into this Agreement and request that the Alcoholic Beverage Control Board ("the Board") incorporate the terms of this Agreement into the Establishment's ABC 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. ***Recitals Incorporated.*** The recitals set forth above are incorporated herein by reference.
2. ***Nature of the Summer Garden.*** The Establishment will expand into a new enclosed roof deck at the rear of the current space occupied by the Establishment, which shall have a retractable roof and an operable south-facing window. The seating capacity of the Summer Garden in the new space shall be 35, bringing the Establishment's total seating capacity to 72.
3. ***Hours of Operation/Entertainment.***
 - (a) **The Establishment's hours of operation and the hours of sale and service of alcohol and entertainment in the interior of the Establishment and Summer Garden area shall be:**

Sunday to Thursday, 10:00 a.m. to 2:00 a.m.; and Friday and Saturday, 10:00 a.m. to 3:00 a.m.

Provided, however, (1) on days designated by the Board as "extended Hours for ABC Establishments" Applicant may serve alcoholic beverages for one additional hour (that is, one hour later in the morning); (2) in the event the Council of the District of Columbia or the ABC Board grant licensees in general with extended operating hours for particular events, Establishment may avail itself of such extended hours; and, (3) on January 1 of each year Applicant may serve alcoholic beverages and provide entertainment until 4 am.

(b) The Establishment's hours of operation and hours of sale and service of alcoholic beverages in the Summer Garden area shall be:

Sunday to Thursday, 10:00 a.m. to 2:00 a.m. and Friday and Saturday, 10:00 a.m. to 3:00 a.m. The retractable roof and the operable window in the south wall shall be closed no later than 10:30 p.m. on Sundays through Thursdays, and no later than 12:00 a.m. on Fridays and Saturdays. Live or recorded music or DJs shall only be permitted during brunch or private events. No music or other form of entertainment, except for trivia and board game competitions and comedy shows, shall be permitted in the Establishment's Summer Garden at any other time.

(c) Live entertainment in the interior of the Establishment and Summer Garden shall be limited as follows:

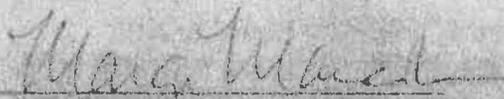
- (1) Entertainment at Saturday and Sunday Brunch and on New Year's Eve is unrestricted.
- (2) Entertainment at private events (not open to the general public) is limited to no more than twelve (12) occasions in any calendar year. In addition, the Establishment may avail itself of not more than six (6) one day substantial change applications within a calendar year should the 12 private events cap be reached during that year.
- (3) Applicant will maintain a log identifying the dates of private events held where live entertainment is provided, and shall make such log available upon request by any representative of the ABC Board.
- (4) At all other times, entertainment shall be restricted to trivia and board game competitions and comedy shows. No live or recorded music, including DJs, shall be permitted.

4. **Exterior of Establishment.** The exterior of the Premises, including the adjacent public sidewalk, shall be maintained in a neat, clean and orderly manner. Establishment shall provide a receptacle for disposal of cigarettes.

6. **Incorporation of Agreement into License.** The Parties request that ABC Board enter an order approving Establishment's Summer Garden Endorsement application subject to the terms of this Agreement.

ADVISORY NEIGHBORHOOD
COMMISSION 6E:

IVY & CONEY, LLC

By: 
Marge Maceda, Chairman

By: 
Josh Saltzman, Managing Member

Central Shaw Neighborhood Association