THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of: Steak Ice 1310 H, LLC t/a Sally's Middle Name Holder of a Retailer's Class DR License at premises 1320 H Street, N.E. Washington, D.C. 20002	)	License No. ABRA-097355 Order No. 2016-033

Steak Ice 1310 H, LLC, t/a Sally's Middle Name (Applicant)

Jay Williams, Co-Chair, Advisory Neighborhood Commission (ANC) 6A

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Steak Ice 1310 H, LLC, t/a Sally's Middle Name (Applicant), located at 1320 H Street, N.E., Washington, D.C., and ANC 6A entered into a Settlement Agreement (Agreement), dated December 31, 2014, that governs the operation of the Applicant's establishment. This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated January 18, 2016, 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 Applicant and Co-Chair Jay Williams, on behalf of ANC 6A, are signatories to the Amendment.

Accordingly, it is this 20th day of January, 2016, **ORDERED** that:

1. The above-referenced Amendment to Settlement Agreement, dated January 18, 2016, submitted by the Parties to govern the operations of the Applicant'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 Applicant and ANC 6A.

District of Columbia
Alcoholic Beverage Control Board

Donovan Anderson, Chairperson

Nick Alberti, Member

Mike Silverstein, Member

Ruthanne Miller, 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).

AMENDMENT TO SETTLEMENT AGREEMENT

This Amendment to Settlement Agreement is made this __ day of January, 2016, and is meant to amend the existing settlement agreement dated December 31, 2014 between Advisory Neighborhood Commission 6A ("ANC 6A") and Steak Ice 1310 H, LLC, t/a Pizza Parts and Service (now t/a Sally's Middle Name).

WHEREAS, Applicant has filed an application for a Substantial Change to the existing license for premises located at 1320 H Street, NE Washington, DC 20002 ("Establishment");

WHEREAS, Applicant's premises is within the boundaries of ANC 6A;

WHEREAS, the parties desire to enter into an agreement governing certain requirements and understandings regarding the Substantial Changes requested by Applicant at the subject premises; and

NOW, THEREFORE, in consideration of the premises above recited, and the covenants and agreements hereinafter set forth, the parties agree to the following amendments:

1. **Music / Dancing / Entertainment.**
    a. Applicant agrees to ensure that sounds originating from within the establishment are mitigated by installing adequate soundproofing.
    b. No sound, noise, music, or voices emanating from the licensed establishment shall be of such intensity that it may be heard in any premises other than the licensed establishment. This restriction does not apply to: (1) sound, noise, music, or voices heard in any premises which are located within a C-1, C-2, C- 3, C-4, C-M, or M zone, as defined in the zoning regulations for the District, and (2) sound, noise, music, or voices occasioned by the normal opening of entrance and exit doors for the purpose of ingress and egress.
    c. In order to mitigate noise on a sidewalk café or summer garden the following steps will be taken:
        i. Applicant shall not offer any type of entertainment or pre-recorded music on the summer garden and/or sidewalk café;
        ii. A fence or other barrier will enclose the entire perimeter;
        iii. No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume;
        iv. Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones; and
        v. Potted plants, trees, fountains, or other types of noise mitigation techniques will be incorporated into the decor.
    d. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement. "Entertainment" means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows, poetry readings, and disc jockeys. The term "entertainment" shall not include the operation of a jukebox, a television, a radio, or other prerecorded music.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the latest date of the signatures to this Amendment.

Steak Ice 1310 H, LLC (Applicant):

By: ARTHUR ADKINS Date: 01/08/16

Signature: _____

Advisory Neighborhood Commission 6A Representative:

By: Jay Williams, Co-Chair, ABL Committee Date: 1/18/16

Signature: _____