

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

In the Matter of:)	
)	
Songbyrd, LLC)	
t/a Songbyrd)	
)	
Petition to)	
Terminate Settlement Agreement for a)	License No.: ABRA-096137
Retailer's Class CT License)	Order No.: 2016-644
)	
at premises)	
2477 18 th Street, N.W.)	
Washington, D.C. 20009)	

Songbyrd, LLC, t/a Songbyrd (Petitioner)

William Simpson, Commissioner, Advisory Neighborhood Commission (ANC) 1C

Denis James, President, Kalorama Citizens Association (KCA)

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Mafara Hobson, Member
Jake Perry, Member

ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that a previous holder of a Retailer's Class CT license for the premises located at 2477 18th Street, N.W., entered into a Settlement Agreement with ANC 1C and KCA on September 24, 2008, and it was approved by the Board on October 1, 2008. Songbyrd, LLC, t/a Songbyrd (Petitioner), as the subsequent and current holder of that license is required to comply with the terms of the Agreement, because it governs the operations of the Petitioner's establishment.

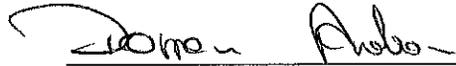
On September 28, 2016, the Petitioner sought to terminate its Settlement Agreement, pursuant to D.C. Official Code § 25-446(d). In lieu of termination, the Petitioner, ANC 1C, and KCA have now entered into an Amendment to Settlement Agreement (Amendment), dated November 4, 2016, that governs the operation of the Petitioner's establishment.

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Petitioner; Commissioner William Simpson, on behalf of ANC 1C; and Denis James, on behalf of KCA; are signatories to the Amendment.

Accordingly, it is this 9th day of October, 2016, **ORDERED** that:

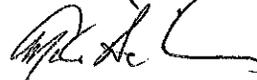
1. The Petition to Terminate is rendered moot;
2. The above-referenced Amendment to Settlement Agreement submitted by the Parties to govern the operations of the Petitioner's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
3. All terms and conditions of the original Settlement Agreement, not amended by the Amendment, shall remain in full force and effect; and
4. Copies of this Order shall be sent to the Petitioner, ANC 1C, and KCA.

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson

Nick Alberti, Member



Mike Silverstein, Member



James Short, Member



Mafara Hobson, Member

Jake Perry, 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).

AGREEMENT

Whereas, Songbyrd, LLC (the "Licensee"), operates the ABC-licensed establishment trading as Songbyrd at 2477 18th Street NW under retailer's class CT tavern license ABRA-96137 (the "License");

And whereas the Licensee also operates a space called the Record Cafe at 2475 18th Street NW that is connected internally to Songbyrd, but at which sales, service, and consumption of alcohol are not currently permitted;

And whereas the Licensee desires to alter certain elements of its operations;

And whereas the Licensee is subject to a settlement agreement with Advisory Neighborhood Commission 1C ("ANC1C") and the Kalorama Citizens Association ("KCA") entered into on September 24, 2008 and approved by the Alcoholic Beverage Control Board (the "Board") with Order number 2008-263 (the "Settlement Agreement");

Now therefore, upon the Licensee's proper completion of the relevant application materials with the Alcoholic Beverage Regulation Administration ("ABRA") and upon approval by the Board:

- I. ANC1C, KCA, and the Licensee agree to amend the Settlement Agreement by replacing Section 2 in its entirety with the following:

Hours/Capacity/Sales, Service, and Consumption of Alcohol

Monday-Thursday:	11:00 am-2:00 am
Friday:	11:00 am-3:00 am
Saturday:	10:00 am-3:00 am
Sunday:	10:00 am-2:00 am

However, the Licensee shall have the right to register for ABRA's Extended Hours Program and shall be permitted to have extended hours set forth pursuant to ABRA's Extended Hours Program on each of the following nights each year:

- The night before Martin Luther King Day
- The night before Washington's Birthday
- The night before Spring Daylight Savings
- The night before Columbus Day
- The night of New Year's Eve

Once Licensee's registration is approved by ABRA, any entertainment offered by the Licensee during the Extended Holiday Hours Program dates listed above shall cease 30 minutes prior to closing.

"Last call" will be announced at 30 minutes prior to closing each night of operations.

Seating capacity for 2477 18th Street NW shall not exceed:

- Interior tables and bar: 99
- Sidewalk cafe: 8

In the event that the Licensee's petition for a substantial change is approved to include the space known as the Record Cafe located at 2475 18th Street NW as part of the

License, seating capacity for 2475 18th Street NW shall not exceed 40 seats, in accordance with Licensee's Certificate of Occupancy for the Record Cafe.

Sales, service, and consumption of alcohol are permitted on the first floor and in the basement of 2477 18th Street NW.

Alcohol that is sold at 2477 18th Street NW is permitted to be consumed on the first floor of 2475 18th Street NW in the space known as the Record Cafe. However, sales and service of alcohol shall not take place in the Record Cafe.

II. ANC1C and KCA agree not to protest the Licensee's petition for a substantial change to include the space known as the Record Cafe located at 2475 18th Street NW as part of the License, provided the petition is consistent with the conditions set forth in Part I of this Agreement. ANC1C and KCA agree not to protest the Licensee's petition for a substantial change to provide entertainment on Sundays provided that such entertainment does not exceed the permissions contained in the relevant provisions of the Settlement Agreement.

III. The Licensee shall rescind its application to unilaterally amend/terminate the Settlement Agreement promptly following the execution of this agreement.

Songbyrd, LLC



Joseph Lapan, Managing Member

11/1/16

Date



Alisha Edmonson, Managing Member

11/1/16

Date

Advisory Neighborhood Commission 1C

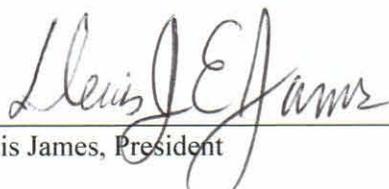


William Simpson, Commissioner

11/2/16

Date

Kalorama Citizens Association



Denis James, President

NOVEMBER 4, 2016

Date