

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

In the Matter of:)	
)	
Hu's Wear, LLC)	
t/a Hu's Wear)	
)	
Applicant for a New)	Case No. 10-PRO-00123
Retailer's Class CR License)	License No. ABRA-084908
at premises)	Order No. 2010-536
1132 29 th Street, N.W.)	
Washington, D.C. 20007)	
)	

Hu's Wear, LLC, t/a Hu's Wear ("Applicant")

Ron Lewis, Chairperson, Advisory Neighborhood Commission (ANC) 2E

Jennifer Altemus, President, Citizens Association of Georgetown (CAG)

BEFORE: Charles Brodsky, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Donald Brooks, Member
Calvin Nophlin, Member
Mike Silverstein, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWAL OF PROTEST

The official records of the Alcoholic Beverage Control Board (Board) reflect that Hu's Wear, LLC, t/a Hu's Wear (Applicant), filed an Application for a new Retailer's Class CR License located at 1132 29th Street, N.W., Washington D.C. The Applicant; Chairperson Ron Lewis, on behalf of ANC 2E; and Jennifer Altemus, on behalf of CAG; have entered into a Voluntary Agreement, dated October 4, 2010, setting forth the terms and conditions that govern the operation of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant; Chairperson Ron Lewis, on behalf of ANC 2E; and Jennifer Altemus, on behalf of CAG; are signatories to the Agreement. A Group of Five or More Individuals filed a timely protest but was dismissed for failure to appear at

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the Roll Call Hearing. The Group of Five or More Individuals did not seek reinstatement. This Agreement constitutes a withdrawal of the Protests filed by ANC 2E and CAG of this Application.

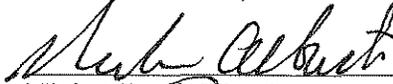
Accordingly, it is this 27th day of October 2010, **ORDERED** that:

1. The Application filed by Hu's Wear, LLC, t/a Hu's Wear (Applicant), for a new Retailer's Class CR license located at 1132 29th Street, N.W., Washington, D.C., is **GRANTED**;
2. The Protests of ANC 2E and CAG in this matter are hereby **WITHDRAWN**;
3. The above-referenced Voluntary Agreement submitted by the Parties to govern the operations of the Applicant's establishment are **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Applicant, ANC 2E, and CAG.

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District of Columbia
Alcoholic Beverage Control Board

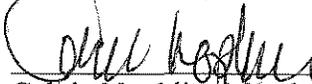
Mital M. Gandhi, Member



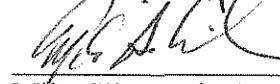
Nick Alberti, Member



Donald Brooks, Member



Calvin Nophlin, Member



Mike Silverstein, Member

I dissent from the position taken by the majority of the Board



Charles Brodsky, Chairperson

Pursuant to 23 DCMR § 1719.1 (April 2004), 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, 1250 U Street, N.W., Third Floor, Washington, DC 20009.

AGREEMENT

THIS AGREEMENT ("Agreement") is made by and between Hu's Wear LLC, a District of Columbia corporation, t/a Hu's Wear (the "Applicant") with Advisory Neighborhood Commission 2E ("the ANC") and the Citizens Association of Georgetown ("CAG").

WHEREAS, on (month) (day), 2010, the Applicant has applied for a Retailer's License, Class C for the property located at 1132 29th Street, NW, ABC License No. ABRA-084908, which is pending before the District of Columbia Alcoholic Beverage Control Board (ABC Board); and

WHEREAS, the ANC represents the residents and taxpayers within its boundaries and wishes to insure that no establishment that sells alcoholic beverages will adversely affect the health, safety, and quality of life in the surrounding community; and

WHEREAS, CAG is a citizens association incorporated under the laws of the District of Columbia which represents the interests of the residents of Georgetown; and

WHEREAS, the Applicant is seeking written approval from the ANC and CAG of the Application; and

WHEREAS, in order to secure the aforementioned approval, Applicant has agreed to enter into this Agreement commemorating certain understandings regarding the Applicant's operational plans;

NOW THEREFORE, in consideration of the agreements set forth herein, the parties hereto mutually agree as follows:

1. Occupancy and Safety. The establishment shall have a maximum capacity of 120 persons within the premises, and a maximum capacity of 60 persons outdoors in the summer garden. This limit shall be prominently posted and shall not be exceeded. The Applicant shall ensure that a clear passageway is maintained at all times for the safe egress of occupants in case of fire or other emergency.
2. Nature of Operation. The Applicant will operate a bona fide business as put forth in their license.
3. Hours of Operation. The hours of operation shall be 10:00 a.m.–11:00 p.m. Sunday through Thursday and 10:00 a.m.–12:00 a.m. Friday and Saturday; the hours of operation for the summer garden seating shall be 10:00 a.m. – 10:00 p.m., Sunday through Thursday, and 10:00 a.m. – 11:00 p.m., Friday and Saturday, except as follows. The Applicant may remain open until 12:00 a.m., and until 11:00 p.m. for the summer garden, on those days preceding a federal holiday if otherwise restricted by afore stated restrictions.
4. Entertainment. The Applicant's application states that there shall be no entertainment. It is further agreed between the Applicant and the ANC that there shall be no agreements with promoters, promotions or cover charges in violation of this representation. The ANC agrees that the Applicant may offer soft background recorded music conducive to a pleasant dining experience inside the premises and not audible in public space and shall not provide recorded music in outdoor space at any time without violating this agreement.

The parties agree that the above provisions are conditions of the license and any failure of Applicant to adhere to the foregoing commitments would constitute grounds for the ANC and/or CAG to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. §1513.5. Prior to so petitioning, however, ANC 2E and/or CAG shall notify the Applicant of any perceived violations and afford the Applicant at least seven (7) calendar days in which to address or rectify the perceived violation.

This Agreement shall become effective only upon the execution of all parties hereof and the delivery to the Applicant of the aforesaid written approval by ANC 2E and CAG .

This written agreement constitutes the only agreement between the parties, superceding any prior agreement that may affect the license, and may be modified only by the written agreement of both parties.

IN WITNESS THEREOF, the parties have affixed hereunto their signatures on the year and the day indicated below.

Executed this 4th day of October 2010.

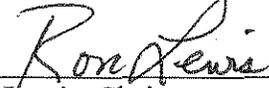
APPLICANT

Hu's Wear LLC t/a Hu's Wear

By: 

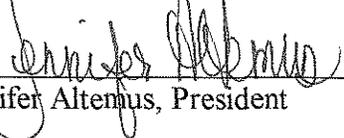
Eric Eden, Owner

ADVISORY NEIGHBORHOOD COMMISSION 2E

BY: 

Ron Lewis, Chairman

CITIZENS ASSOCIATION OF GEORGETOWN

BY: 

Jennifer Altemus, President

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown and Hillandale

3265 S Street, NW • Washington, DC 20007

(202) 338-7427 • FAX (202) 338-0279 • anc2e@dc.gov

By Email and Mail

October 8, 2010

Charles Brodsky, Chairperson, and Members of the
Alcoholic Beverage Control Board
1250 U Street, NW, Third Floor
Washington, DC 20009

Re: Hu's Wear, 1132 29th Street NW, License No. ABRA-084908

SECRET
2010 OCT 12 P 11:27
DISTRICT OF COLUMBIA
ATTORNEY GENERAL'S OFFICE
REGISTRATION

Dear Chairman Brodsky:

Advisory Neighborhood Commission 2E, at a public meeting held on October 4, 2010, duly noticed, and at which six commissioners were present constituting a quorum, adopted the following resolution:

ANC 2E **approves** the voluntary agreement as presented.

A copy of the executed voluntary agreement is attached.

ANC 2E Commissioners Skelsey, Solomon, Lewis, Golds, Starrels, Birch and Eason, or any one or more of them or their delegee, are authorized to act for ANC 2E in this matter and any matters which may come before the Board relating thereto.

Sincerely,



Ron Lewis
Chair, ANC 2E

COMMISSIONERS:

Ed Solomon, District 1 Ron Lewis, District 2 Bill Skelsey, District 3 Aaron Golds, District 4
Bill Starrels, District 5 Tom Birch, District 6 Charles Eason, District 7