

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

**In the Matter of:**

2500 Pennsylvania Avenue Investors, LLC  
t/a Avenue Suites/A Bar

Application for Renewal of a  
Retailer's Class CT License

at premises  
2500 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037

Case No. 13-PRO-00170  
License No. ABRA-086545  
Order No. 2014-093

2500 Pennsylvania Avenue Investors, LLC, t/a Avenue Suites/A Bar (Applicant)

Patrick L. Kennedy, Chairperson, Advisory Neighborhood Commission (ANC) 2A

Michael Dudich, on behalf of A Group of Five or More Individuals

**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 AND WITHDRAWAL OF  
PROTESTS OF ANC 2A AND A GROUP OF FIVE OR MORE INDIVIDUALS**

The Application filed by 2500 Pennsylvania Avenue Investors, LLC, t/a Avenue Suites/A Bar, for renewal of its Retailer's Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on December 9, 2013, in accordance with D.C. Official Code § 25-601 (2001).

The official records of the Board reflect that the Applicant, ANC 2A, and A Group of Five or More Individuals have entered into a Settlement Agreement (Agreement), dated February 25, 2014, that governs the operation of the Applicant's establishment.

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The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant; Chairperson Patrick L. Kennedy, on behalf of ANC 2A; and Michael Dudich, on behalf of the Group of Five or More Individuals, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protests filed by ANC 2A and the Group of Five or More Individuals.

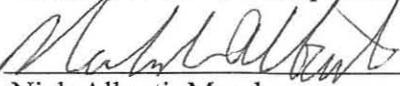
Accordingly, it is this 12<sup>th</sup> day of March, 2014, **ORDERED** that:

1. The Application filed by 2500 Pennsylvania Avenue Investors, LLC, t/a Avenue Suites/A Bar, for renewal of its Retailer's Class CT License, located at 2500 Pennsylvania Avenue, N.W., Washington, D.C., is **GRANTED**;
2. The Protests of ANC 2A and the Group of Five or More Individuals in this matter are hereby **WITHDRAWN**;
3. 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
4. Copies of this Order shall be sent to the Applicant, ANC 2A, and Michael Dudich, on behalf of the Group of Five or More Individuals.

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District of Columbia  
Alcoholic Beverage Control Board

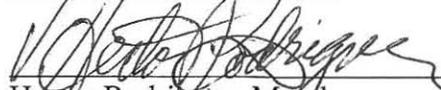
  
Ruthanne Miller, Chairperson

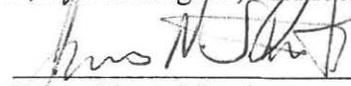
  
Nick Alberti, Member

  
Donald Brooks, Member

  
Herman Jones, Member

  
Mike Silverstein, Member

  
Hector Rodriguez, Member

  
James Short, Member

Pursuant to D.C. Official Code § 25-433, any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, D.C. 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to D.C. Official Code § 25-433, 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).

SETTLEMENT AGREEMENT

This Settlement Agreement is made on this 25<sup>th</sup> day of February, 2014, by and between 2500 Pennsylvania Avenue Investors, LLC t/a Avenue Suites/A Bar ("the Licensee"), Advisory Neighborhood Commission 2A ("the ANC") and Michael Dudich, designated representative of a group of five or more residents of the Bader Condominium 2515 K Street, NW ("Individual Protestants") (collectively "Protestants").

WITNESSETH

WHEREAS, the Licensee's application for renewal of a Class CT Alcoholic Beverage Control (ABC) license for premises 2500 Pennsylvania Avenue, NW is pending before the District of Columbia ABC Board; and,

WHEREAS, said premises is within the jurisdictional boundaries of the ANC; and, is within close proximity to the Individual Protestants; and

WHEREAS, the parties desire to enter into this Settlement Agreement in order to reflect their understandings regarding certain aspects of the Licensee's operations;

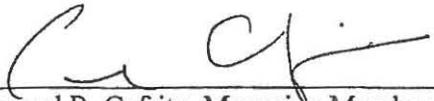
NOW, THEREFORE, in consideration of the recitals set forth above and the terms and conditions provided below, the parties agree as follows:

1. The interior hours for sale of alcoholic beverages shall be Sunday through Saturday, 11:00 am to 12:00 am. The terrace (summer garden) hours of operation and sale of alcoholic beverages shall be Sunday through Thursday 11:00 am to 10:00 pm; and Friday and Saturday 11:00 am to 11:00 pm. When the terrace hours terminate, the glass doors immediately adjacent to the A Bar space shall be closed. During the operation of the Summer Garden no speakers shall be placed on the terrace.
2. In the event of perceived violations of the foregoing provisions by Licensee, the Protestants shall provide written notice of such to the Licensee. If the Licensee fails to respond adequately to any notice of perceived violation within ten (10) days of receipt, it shall constitute grounds for any party to file a complaint with the ABC Board for an investigation of the matter pursuant to D.C. Official Code § 25-446 (c) and 23 DCMR § 1900.1.
3. The Licensee acknowledges that the Protestants are relying on the foregoing commitments in determining to withdraw the protests which heretofore have been filed with the ABC Board. The parties jointly request that this Agreement be incorporated into the ABC Board's order approving the pending license renewal application.

DK 

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

2500 PENNSYLVANIA AVENUE INVESTORS, LLC

By:   
Conrad B. Cafritz, Managing Member

ADVISORY NEIGHBORHOOD COMMISSION 2A

By: \_\_\_\_\_  
Patrick L. Kennedy, Chairman

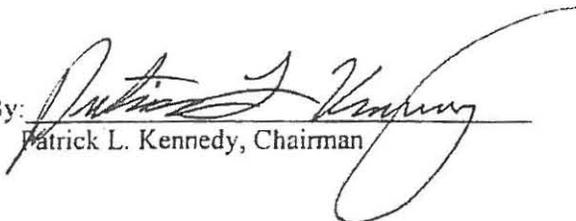
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Michael Dudich, Designated Representative of  
A Group of Five or More Residents of the Bader  
Condominium

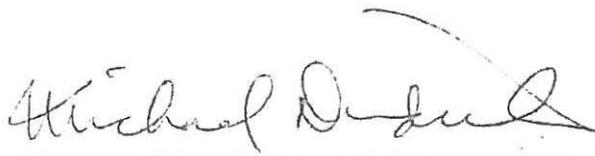
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2500 PENNSYLVANIA AVENUE INVESTORS, LLC

By: \_\_\_\_\_  
Conrad B. Cafritz, Managing Member

ADVISORY NEIGHBORHOOD COMMISSION 2A

By:   
Patrick L. Kennedy, Chairman

  
Michael Dudich, Designated Representative of  
A Group of Five or More Residents of the Bader  
Condominium