

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

_____)
In the Matter of:)
)
Second Home, LLC)
t/a Number Nine)
)
Holder of a)
Retailer's Class CT License) License No. ABRA-086354
) Order No. 2013-609
)
at premises)
1435 P Street, N.W.)
Washington, D.C. 20005)
_____)

Second Home, LLC, t/a Number Nine (Licensee)

Matt Raymond, Chairperson, on behalf of Advisory Neighborhood Commission (ANC)
2F

Timothy A. Christensen, on behalf of Logan Circle Community Association

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Mike Silverstein, Member
Herman Jones, Member

ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Second Home, LLC, t/a Number Nine, (Licensee), ANC 2F, and Logan Circle Community Association entered into Voluntary Agreements (Agreements), dated September 10, 2002 and March 15, 2005, that govern the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Second Amendment), dated November 6, 2013, in accordance with D.C. Official Code § 25-446 (2001).

The official records of the Board reflect that the Parties have agreed to amend the Licensee's hours of operation and sales of alcoholic beverages.

Second Home, LLC
t/a Number Nine
License No. ABRA-086354
Page 2

The Amendment to Settlement Agreement has been reduced to writing and has been properly executed and filed with the Board. The Licensee; Chairperson Matt Raymond, on behalf of ANC 2F; and Timothy A. Christensen, on behalf of Logan Circle Community Association, are signatories to the Amendment.

Accordingly, it is this 18th day of December, 2013, **ORDERED** that:

1. The above-referenced Amendment to Settlement Agreement, dated November 6, 2013, submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. All terms and conditions of the original Agreements, not amended by the Amendment to Settlement Agreement, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee, ANC 2F, and Timothy A. Christensen, on behalf of Logan Circle Community Association

Second Home, LLC
t/a Number Nine
License No. ABRA-086354
Page 3

District of Columbia
Alcoholic Beverage Control Board


Ruthanne Miller, Chairperson


Donald Brooks, Member


Mike Silverstein, Member

Pursuant to D.C. Official Code § 25-433, 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, 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).

AMENDMENT TO VOLUNTARY AGREEMENT

This Amendment to Voluntary Agreement ("Amendment") is made this 6th day of November, 2013 by and between Second Home, LLC t/a Number Nine ("Applicant") and Advisory Neighborhood Commission 2F ("ANC 2F"), the Logan Circle Community Association and the Rhode Island Avenue West Neighborhood Association ("RI West") (jointly "the Community").

WITNESSTH

WHEREAS, Applicant, holder of a Retailer's Class CT License No. ABRA-086354, has applied to the Alcoholic Beverage Control Board ("ABC Board") for approval of earlier operating and sales of alcoholic beverages hours for its licensed premises at 1435 P Street, NW;

WHEREAS, the community is supportive of Applicant's operation of the establishment and is supportive of its request for earlier hours;

WHEREAS, Applicant has agreed to enter into this Amendment agreement with the Community and to request further that the ABC Board approve Applicant's request be conditioned upon Applicant's compliance with the terms of those certain written Voluntary Agreement dated September 10, 2002, and March 15, 2005, as approved by the ABC Board;

NOW THEREFORE, in consideration of the recitals set forth above and the mutual covenants set forth below, the parties agree as follows:

1. Recitals Incorporated. The recitals set forth above are incorporated herein by reference.

2. Incorporation of Voluntary Agreement dated September 10, 2002 and March 15, 2005. The parties agree to incorporate the terms of those certain Voluntary Agreement dated September 10, 2002 and March 15, 2005, copies of which are attached hereto. Applicant agrees to adhere to the terms of and amendments to those said agreements in the operation of its business during the earlier hours agreed to below by this Amendment.

3. Section 9 Hours of Operation of the September 10, 2002 Voluntary Agreement is amended. Section 9 Hours of Operation of that certain Voluntary Agreement dated September 10, 2002 is amended hereby to read:

Hours of Operation for Sales, Service and Consumption of Alcoholic Beverages:
The Applicant's hours of operation shall be as follows:

Sunday - Thursday 12:00 pm (noon) to 1:45 am
Friday - Saturday 12:00 pm (noon) to 2:45 am

Hours of Operation for Sales, Service and Consumption of Alcoholic Beverages
on the ~~Summer Garden Patio~~: sidewalk cafe
The Applicant's hours of operation shall be as follows:

Sunday - Thursday 12:00 pm (noon) to 11:00 pm
Friday - Saturday 12:00 pm (noon) to 12:00 am

Provided, however, (1) on days designated by the DC ABC Board as "Extended Hours for ABC Establishments" Applicant may serve alcoholic beverages and provide entertainment 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 DC ABC Board grant licensees in general or special event extended operating hours Applicant may avail itself of such extended hours; (3) on January 1 of each year Applicant may serve alcoholic beverages and provide entertainment until 4am.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date and year first written above.

WITNESS:

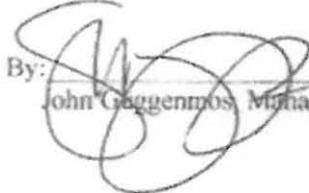
APPLICANT:

THE COMMUNITY:

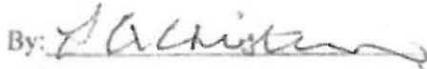
SECOND HOME, LLC

Advisory Neighborhood Commission 2F

By: 
Matt Raymond, Chairman

By: 
John Guggenmos, Managing Member

Logan Circle Community Association

By: 
TIMOTHY CHRISTENSEN, PRESIDENT