

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

In the Matter of:)
)
Sugar Factory Union Station, LLC)
t/a Sugar Factory)
)
Applicant for a New)
Retailer's Class CT License)
)
at premises)
50 Massachusetts Avenue, N.E.)
Washington, D.C. 20002)
)

Case No. 15-PRO-00093
License No. ABRA-099949
Order No. 2015-451

Sugar Factory Union Station, LLC, t/a Sugar Factory (Applicant)

Thomas M. Beline, Member of the Alcoholic Beverage Licensing Committee, Advisory Neighborhood Commission (ANC) 6C

- 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 ANC 6C'S PROTEST**

The Application filed by Sugar Factory Union Station, LLC, t/a Sugar Factory, for a new Retailer's Class CT License, was protested by ANC 6C.

The official records of the Board reflect that the Applicant and ANC 6C entered into a Settlement Agreement (Agreement), dated September 15, 2015, that governs 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 and Thomas M. Beline, on behalf of ANC 6C, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by ANC 6C of this Application.

Accordingly, it is this 7th day of October, 2015, **ORDERED** that:

1. The Application filed by Sugar Factory Union Station, LLC, t/a Sugar Factory, for a new Retailer's Class CT License, located at 50 Massachusetts Avenue, N.E., Washington, D.C., is **GRANTED**;
2. The Protest of ANC 6C in this matter is hereby **WITHDRAWN**;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, except for the following modification:

Section 7 (Communication with Protestant) – This Section shall be modified to read as follows: “Applicant is encouraged to meet with the protestant and neighbors to address any perceived problems arising from the operation of the business.”

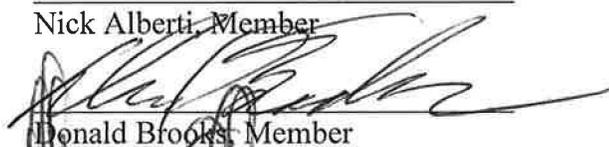
The parties have agreed to this modification.

4. Copies of this Order shall be sent to the Applicant and ANC 6C.

District of Columbia
Alcoholic Beverage Control Board


Ruthanne Miller, Chairperson

Nick Alberti, Member



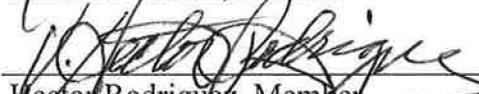
Donald Brooks, Member



Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, Member

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

THIS AGREEMENT is made and entered into as of this 15th day of September, 2015 by and between Sugar Factory Union Station, LLC (hereinafter the "Applicant"), Advisory Neighborhood Commission 6C, (hereinafter the "Protestants").

WHEREAS, Applicant having filed an application with the District of Columbia Alcoholic Beverage Control Board (hereinafter "ABC Board") for issuance of a Retailer's Class C Tavern license for premises of 50 Massachusetts Avenue, N.E., Space T-018, Washington, D.C. License Number ABRA-099949.

WHEREAS, in recognition of the ABC Board's policy of encouraging parties to a protested proceeding to settle their differences by negotiating agreements, the parties hereto being desirous of entering into an agreement whereby, subject to approval of the ABC Board, Applicant will agree to adopt certain measures to address the Protestants' concerns and Protestants will agree to the issuance of the ABC License and withdraws their Protests.

NOW, THEREFORE, in consideration of the mutual covenants and undertakings memorialized herein, the parties agree as follows.

1. **Nature of Business:** Applicant will operate at all times as a *bona-fide* Class C Tavern (as such term is defined in ABC statutes and regulations). Applicant will not make its premises available to non-employee promoters for presentation of advertised parties or events intended to generate profit for such promoters.
2. **Hours of Operation:** Applicant's hours of operations shall be 7 a.m. to 8 p.m. Sunday and 5 a.m. to 10 p.m. Monday through Saturday.
3. **Hours of Sales and Consumption:** Applicant's hours of alcohol sales and consumption shall be noon to 6 p.m. Sunday and 10 a.m. to 9 p.m. Monday through Saturday. It is understood that after cessation of said operating hours, no patrons shall remain on the premises. Exceptions to the stated hours shall be granted for:
 - a.) Days designated by the ABC Board as "Extended Hours for ABC Establishments" or "Daylight Savings Time Extension of Hours" - Applicant may operate for one additional hour (that is, one hour later);
 - b.) In the event the Council of the District of Columbia or the ABC Board grants licensees in general extended operating hours for specific occasions, such as Inauguration or World Cup, Applicant may avail itself of such extended hours; and
 - c.) On January 1 of each year Applicant may operate for one additional hour (that is, one hour later).
4. **To Go Single Sales:** Applicant agrees not to sell alcoholic beverages in to go containers.
5. **Large Format Drinks:** Applicant agrees that any alcoholic beverages containing 32 ounces or more of liquid may only be sold to two (2) or more customers that will share the drink while remaining on the Applicant's premises. Applicant agrees that alcoholic

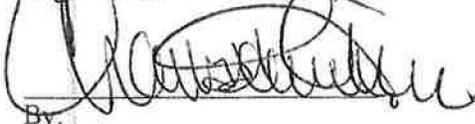
beverages containing 32 ounces or more of liquid will cease being offered for sale within thirty (30) minutes of the end of Applicant's hours of alcohol sales and consumption. Applicant agrees that bartenders and wait staff will be trained to maintain the rule that at least two (2) patrons must be present and legally able to participate in consuming any alcoholic beverages containing 32 ounces or more of liquid. Applicant agrees to include the two-person minimum requirement on any menus, promotional materials, or signage used to advertise alcoholic beverages containing 32 ounces or more of liquid at the Union Station establishment premises.

6. **Trash and Recycling Pick-Up and Removal:** Applicant will maintain regular trash/garbage and recycling removal service only during the hours from 9:00 a.m. to 5:00 p.m.
7. **Communication with Protestant.** Applicant shall endeavor to meet with the protestant and neighbors to address any perceived problems arising from the operation of the business.
8. **Withdrawal of Protest.** Protestants agree to the issuance of the license and the withdrawal of their protests upon execution of this Agreement, provided that this Voluntary Agreement is incorporated into the Board's order issuing, amending or renewing the license, which order is thereby conditioned upon compliance with such Voluntary Agreement.
9. **Right to Seek Redress:** The parties agree that Applicant will be given written notice of any alleged violation of this Agreement and will be afforded ten (10) days in which to investigate and respond to any complaint. The parties agree that if any complaint of violation of this Agreement is not so resolved, then any failure of the Applicant to adhere to the foregoing commitments will constitute a breach of this Agreement and grounds for the Protestant to file a complaint with the Board as provided by D.C. Code § 25-446(e).

IN WITNESS WHEREOF, the Parties place their signatures to this agreement, this 15th day of September, 2015.

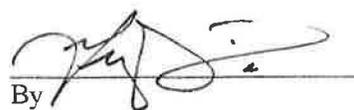
Applicant:

Sugar Factor Union Station, LLC



By:
Charissa L. Davidovici
Managing Member

Advisory Neighborhood Commission 6C



By
Thomas M. Beline
Member
Alcoholic Beverage Licensing Committee



Government of the District of Columbia

Advisory Neighborhood Commission 6C

September 14, 2015

Mr. Fred Moosally, Director
Alcoholic Beverage Regulation
Administration
2000 Fourteenth Street N.W. 4th floor
Washington, D.C. 20009

Re: Sugar Factory, 50 Massachusetts Avenue N.E., ABRA # 099949,
new tavern license

Dear Mr. Moosally:

On September 10, 2015, at a duly noticed, regularly scheduled monthly meeting of ANC 6C, with a quorum of 4 out of 6 commissioners and the public present, the above-mentioned matter came before us.

The commissioners voted unanimously, 4:0:0, to protest this application on the basis of disturbance to the peace, order, and quiet of the community. The commissioners are optimistic that a settlement agreement can be developed in the near future, and the applicant is willing to participate in the settlement process. The request for a stipulated license will be approved upon completion and signing of a settlement agreement.

Part of the vote included appointing Tom Beline, a citizen member of the ANC 6C Alcoholic Beverage License Committee, as representative of ANC 6C in all matters pertaining to the application, with an alternate of Drew Courtney, who is chairman of the ANC 6C Alcoholic Beverage License Committee.

Thank you for giving great weight to the recommendations of ANC 6C.

On behalf of ANC 6C,

Karen Wirt
ANC 6C chair