

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

In the Matter of:)
)
Rythm & Eats, LLC)
t/a Prather's on the Alley)
)
Applicant for a New)
Retailer's Class CR License)
)
at premises)
455 I Street, NW)
Washington, D.C. 20001)

License No.: ABRA-108886
Order No.: 2018-093

Rythm & Eats, LLC, t/a Prather's on the Alley (Applicant)

Alexander T. Marriott, Chairperson, Advisory Neighborhood Commission (ANC) 6E

- BEFORE:** Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Donald Isaac, Sr., Member
Bobby Cato, Member
Rema Wahabzadah, Member

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Rythm & Eats, LLC, t/a Prather's on the Alley, Applicant for a new Retailer's Class CR License, located at 455 I Street, NW, Washington, D.C., and ANC 6E have entered into a Settlement Agreement (Agreement), dated February 6, 2018, 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 Chairperson Alexander T. Marriott, on behalf of ANC 6E, are signatories to the Agreement.

Accordingly, it is this 7th day of March, 2018, **ORDERED** that:


1. 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:

Subsection 5(a) – This Subsection shall be modified to read as follows: “During all times, amplified music emanating from the boundaries of the Restaurant’s premises (except during times that the doors are open for ingress or egress) shall not be audible in the neighboring community.”

The parties have agreed to this modification.

2. Copies of this Order shall be sent to the Applicant and ANC 6E.


District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



Nick Alberti, Member



Mike Silverstein, Member



James Short, Member

Donald Isaac, Sr., Member



Bobby Cato, Member

Rema Wahabzadah, 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).

Settlement Agreement

by and between

Rhythm & Eats LLC (a Prather's on the Alley
and
Advisory Neighborhood Commission No. 6E

for premises located at
455 I Street, NW, Washington D.C. 20001

Recitations

WHEREAS, Rhythm & Eats LLC ("Owner"), is a limited liability corporation organized under the laws of the District of Columbia, and duly authorized to do business in the District of Columbia; and,

WHEREAS, the premises on 455 I Street, NW is located within Advisory Neighborhood Commission 6E ("ANC 6E"); and,

WHEREAS, the Owner has filed for a new Class "C" Restaurant license under the D.C. Alcoholic Beverage Control Act ("Application") with the ABC Board; and,

WHEREAS, the Application seeks approval to operate a new full-service Restaurant ("Restaurant") and Sidewalk Cafe at 455 I St., NW, and the Application does not include an Entertainment endorsement; and,

WHEREAS, the Owner and ANC 6E (collectively, the "Parties") desire to resolve potential issues in the operation of Prather's on the Alley located at 455 I Street, NW, ("Restaurant") and enter into this Settlement Agreement in exchange for ANC 6E's support of the Application.

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

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

2. Interior Hours of Operation and Hours of Alcoholic Beverage Sales, Service, and Consumption:

- a) Sunday through Thursday: 8:00am to 1:00am; and
- b) Friday and Saturday: 8:00am to 2:00am.

Provided, however, (1) on days designated by the ABC Board as "extended Hours for ABC Establishments" Owner may operate and serve alcoholic beverages for one additional hour (that is, one hour later); (2) in the event the Council of the District of

Columbia or the ABC Board grant licenses in general operating hours for particular dates, holidays or events (e.g. inauguration), Owner may avail itself to such extended hours; and (3) on January 1 of each year, Owner may operate and serve alcoholic beverages until 4:00am.

3. Sidewalk Café Hours of Operation and Hours of Alcoholic Beverage Sales, Service, and Consumption:

a) Sunday through Saturday: 8:00am to 11:00pm.

4. No amplified sound shall be permitted on the Sidewalk Café outside the Restaurant.

5. Owner will comply with all D.C. Office Code §25-725:

a) During all times, amplified music shall not exceed [65] dBA as measured at the boundaries of Restaurant premises (except during times the doors are open for ingress and egress).

b) Amplified sound emanating from the licensed premises that is audible in other nearby residential premises, even during ingress and egress, is prohibited.

6. At all times Owner agrees to maintain cleanliness of the premises and ensure the Sidewalk Café and adjacent public property is free of trash/waste, including the sidewalk in front of the Restaurant and Alleyway (4 1/2 St.) beside the Restaurant. Owner also agrees to remove snow and ice from the aforementioned public space within eight daylight hours following the accumulation of snow or ice.

7. Owner shall cause extermination services to be provided to the Restaurant by a reputable exterminator on at least a monthly basis.

8. Owner agrees to take reasonable steps to respond to residential neighbors' complaints/issues.

9. Owner shall take reasonable steps to control and minimize disturbances caused by unruly patrons (e.g. loud, drunken, and/or aggressive behavior), by refusing such patrons admission to the Restaurant and Sidewalk Café, or asking such patrons to leave the Restaurant and Sidewalk Café as circumstances dictate.

10. Support for Application. Upon execution of this Settlement Agreement and its acceptance by the ABC Board, ANC 6E agrees to support Owner's pending ABC license Application and shall refrain from filing a protest against Owner's pending license application.

In witness thereof, the Parties, acting through their authorized representatives, have agreed to and signed this Settlement Agreement.

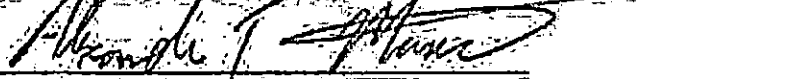
[signatures on the following page]

Rhythm & Eats LLC

By: 
Dean Mosones, Managing Member

Date: 2/1/18

Advisory Neighborhood Commission 6E

Signature: 

Printed Name: Alexander T. Marriott

Title: Chair ANC 6E

Date: 2/8/18



ADVISORY NEIGHBORHOOD COMMISSION 6E

PO Box 26182, LeDroit Park Station
Washington, DC 20001

ANC 6E Commissioners

ANC 6E01: Alexander M. Padro
ANC 6E02: Anthony Brown
ANC 6E03: Frank S. Wiggins, *Vice Chair/Treasurer*
ANC 6E04: David Jaffe, *Secretary*
ANC 6E05: Alexander T. Marriott, *Chair*
ANC 6E06: Alvin O. Judd, Sr.
ANC 6E07: Kevin M. Rogers

February 7, 2018

Mr. Donovan Anderson
Chair
Alcoholic Beverage Control Board
2000 14th Street, NW, S400
Washington, DC 20009

Re: License No. ABRA – 108886; Rhythm & Eats, LLC

Dear Chairman Anderson,

Advisory Neighborhood Commission 6E conducted a public meeting on Tuesday, February 6, 2018 at the Watha T. Daniel/Shaw Library, 1630 7th Street, NW, to consider the above-referenced matter.

At the Commission's meeting, duly noticed and with this case listed in the notice, with a quorum present (four out of seven Commissioners required to be in attendance to achieve a quorum), ANC 6E voted unanimously (6 in favor, 0 opposed, and 0 abstention) to support the application for a new stipulated Retailer's Class "C" Restaurant ABC license for Rhythm & Eats LLC t/a Prather's on the Alley at 455 I Street, NW. The application does not include an entertainment endorsement.

Prather's on the Alley will be a full-service restaurant with a sidewalk café, and received ANC 6E's support contingent upon the terms of the attached Voluntary Agreement being followed. ANC 6E encourages the ABC Board to approve the application and accept the negotiated terms of the Voluntary Agreement.

Respectfully Submitted,

Alexander T. Marriott
Chair
ANC 6E