

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

In the Matter of:

MDM, LLC

t/a Takoma Station Tavern

Application for Substantial Change
(Summer Garden)
to a Retailer's Class CT License

at premises

6914 4th Street, N.W.

Washington, D.C. 20012

Case No. 14-PRO-00050

License No. ABRA-079370

Order No. 2014-323

MDM, LLC, t/a Takoma Station Tavern (Applicant)

Ronald Austin, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 4B

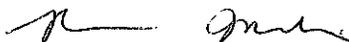
BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member
Hector Rodriguez, Member
James Short, Member

**ORDER ON SETTLEMENT AGREEMENT AND
WITHDRAWAL OF PROTEST OF ANC 4B**

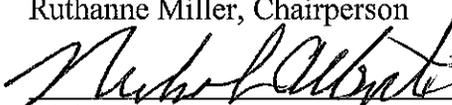
The Application filed by MDM, LLC, t/a Takoma Station Tavern, for a Substantial Change to include a rooftop, to its Retailer's Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on July 21, 2014, in accordance with D.C. Official Code § 25-601 (2001).

The official records of the Board reflect that the Applicant and ANC 4B have entered into a Settlement Agreement (Agreement), dated July 29, 2014, that governs the operation of the Applicant's establishment.

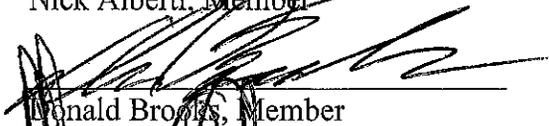
District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



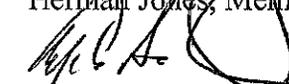
Nick Alberti, Member



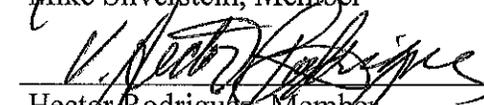
Donald Brooks, Member



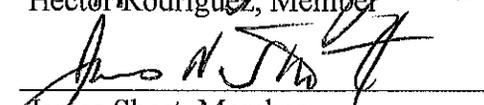
Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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 14th 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

AGREEMENT made this twenty-ninth day of July, 2014, by and between MDM LLC trading as TAKOMA STATION TAVERN, ABRA-079370 (the Applicant), and ADVISORY NEIGHBORHOOD COMMISSION 4B (the Commission).

WITNESSETH

***WHEREAS**, the Applicant has applied for a substantial change to its license in order to operate a rooftop café/summer garden and*

***WHEREAS**, the premises are within the boundaries of the Commission and,*

***WHEREAS**, the Applicant has an existing Settlement Agreement in force which is a part of the terms and conditions of its license with the Alcoholic Beverage Regulation Administration (ABRA) and*

***WHEREAS**, the parties desire to enter into an agreement, enforceable by ABRA, regarding how Applicant shall operate the rooftop café/summer garden in such a manner as to promote the peace, order and quiet of the neighborhood, all parties recognizing the importance of business neighborhoods that are safe, clean, and "pedestrian friendly" and*

***WHEREAS**, the parties desire that the terms of this agreement shall become a part of the existing settlement agreement.*

NOW, THEREFORE, the parties agree as follows:

- 1. Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
- 2. Nature of the Business.** The Applicant shall manage and operate at the address a place that is regularly used for the sale and service of prepared food and alcoholic beverages. This shall include sale and service of prepared food and alcoholic beverages in a rooftop café/summer garden.
- 3. Hours of Operation and Sales.** The Applicant's hours of operation for the rooftop café/summer garden shall be as follows:

Sunday through Thursday 10 AM to 1 AM
Alcohol Service 10 AM to 1 AM

At 1:00 AM, the Applicant shall require that the patrons move from the "open air" portion of their rooftop café/summer garden to the "enclosed area" of the rooftop café/summer garden and shall close the retractable doors.

Friday and Saturday 10 AM to 2 AM
Alcohol Service 10 AM to 2:00 AM

At 2:00 AM, the Applicant shall require that the patrons move from the "open air" portion of the rooftop café/summer garden to the "enclosed area" of the rooftop café/summer garden and shall close the retractable doors.

Entertainment Endorsement

Recorded music and sound amplification in compliance with applicable noise regulations of the District of Columbia shall be permitted in the rooftop café/summer garden.

No live music or live entertainment shall be permitted.

The Applicant shall use its best efforts to orient the televisions to minimize viewership from the "open air" portion of the rooftop café/summer garden.

4. Noise, Odor, and Privacy. No objectionable odors will be created by the Applicant. Applicant shall provide fans to redirect tobacco smoke generated by patrons away from public space and residential neighbors. Applicant will strictly comply with D.C. Official Code § 25-725. If necessary, Applicant will take reasonable steps to reduce noise emanating from the rooftop café/summer garden. Applicant will take all reasonable steps to strictly comply with D.C. Regulations concerning noise emanating from the establishment's mechanical equipment. Applicant will post clearly visible internal and external signage to remind customers to minimize noise in the neighborhood.

5. Security Cooperation in Stemming Criminal Activity and Public Drinking.

a) Applicant agrees that it shall take all reasonable steps to minimize such problems, including, without limitation, providing a sufficient number of employees to assure adequate security and to control unruly patrons, whether inside, in the rooftop café/summer garden or in the immediate outside area; monitoring for and prohibiting criminal activity within or about the Premises, maintaining contact and cooperating with MPD and other enforcement officials when known or suspected drug activities occur. Applicant shall to the full extent permissible by law discourage loitering in the vicinity of the Premises.

b) Applicant agrees that it shall provide video surveillance on the rooftop café/summer garden.

c) Applicant agrees that it will maintain operating security cameras in the alley behind the establishment.

d) Applicant agrees that it will provide to representatives of the Commission, the Metropolitan Police Department, and other community organizations that request such information, the cell phone numbers of its managers.

6. **Incorporation in Existing Settlement Agreement.** The terms of this Agreement are hereby added to and incorporated in the existing Settlement Agreement approved by order of the Alcoholic Beverage Control Board on March 28, 2001. This agreement may only be modified by written agreement of all the parties or their successors, or otherwise in accordance with law
7. **Incorporation.** The terms of this Settlement Agreement in its entirety shall become effective upon ratification of this Agreement by the District of Columbia Alcoholic Beverage Control Board. The parties request that the text of this Agreement be incorporated in an order of the Board granting Applicant's request for a substantial change in its Retailer's Class C Tavern liquor license.
8. **Binding Effect.** This Settlement Agreement shall be binding upon and enforceable against the successors and assigns of the Applicant during the term of the license to which this Settlement Agreement applies.
9. **Grounds for Petition for Show-Cause Order.** Applicant acknowledges that failure to adhere to the terms and conditions recited in Paragraphs One through Five above will constitute grounds for the representative of the Commission whose signature is affixed hereunto, or his successor, to file a complaint with the ABC Board, which will be investigated by ABRA's Enforcement Division, and may subject the Licensee to a Show Cause proceeding, or any other penalty available to the Board under the law. Prior to filing such a complaint, however, the designated representative, or his successor, shall notify Applicant of any perceived violations and afford Applicant a minimum of fourteen (14) calendar days in which to address or rectify the perceived violation.
10. **Notice.** Unless otherwise noted above, any notices required to be made under this Agreement shall be in writing and mailed via certified mail, return receipt requested, postage prepaid, or hand delivered, to the other parties to this Agreement at the following addresses. Notice shall be deemed given as of the time of receipt or refusal of receipt.

If to Applicant:

Mr. David Boyd, 6914 Fourth Street N.W., Washington, D.C.,
20012

If to Commission:

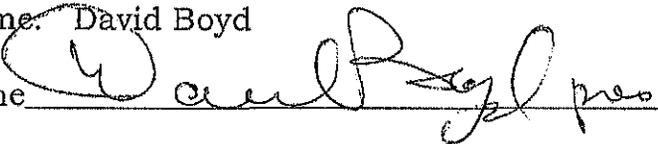
ANC4B, 8656 Eastern Avenue N.W. #314, Washington, DC 20012

In further consideration of and reliance upon the foregoing commitments by the Applicant, the Applicant and the Commission hereby request that Applicant's Application for issuance of a Retailer's Class C Restaurant Liquor License be granted.

IN WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the day and year first above written.

MDM LLC

Print Name: David Boyd

Sign Name  _____

Title: Owner

Date July 29, 2014

ADVISORY NEIGHBORHOOD COMMISSION 4B

Print Name: Ronald Austin, ANC 4B06

Sign Name  _____

Title: Chairperson

Date 7-29-14



Advisory Neighborhood Commission 4B

6856 Eastern Avenue, NW - Suite 314

Washington, DC 20012

202-291-6282 (Office)

Ron Austin, ANC 4B06, Chairperson; Douglass Sloan, ANC 4B09, Vice Chairperson;

Yvonne Jefferson, ANC 4B08, Secretary; Frederick Grant, ANC 4B03, Treasurer;

Sara Green, ANC 4B01; Faith Wheeler, ANC 4B02; Brenda Parks, ANC 4B04; Brenda Speaks, ANC 4B05;

Judi Jones, ANC 4B07

July 30, 2014

Hon. Ruthanne Miller
Chairperson
Alcoholic Beverage Control Board
2000 14th Street N.W., Suite 400S
Washington, DC 20009

ABRA-079370, Takoma Station Tavern, 6914 Fourth Street N.W., Settlement Agreement

Dear Chairperson Miller:

At a special public meeting on July 28, 2014 (notice of which was properly given, and at which a quorum of eight of nine members was present) Advisory Neighborhood Commission 4B voted (6 yes, 1 no, 1 abstain) to approve a settlement agreement between Takoma Station Tavern and the Commission.

The authorizing resolution adopted by the Commission and the signed Settlement Agreement are enclosed with this letter.

The Commission submits this resolution and signed agreement under the provisions of DC Code 1-309.10(a) through 1-309.10(h)(1), which require, among other things, that Advisory Neighborhood Commission recommendations be given "great weight" by DC government agencies, that DC government agencies "articulate with particularity and precision the reasons why the Commission does or does not offer persuasive advice under the circumstances. In doing so, the government entity must articulate specific findings and conclusions with respect to each issue and concern raised by the Commission."

Sincerely,



Ronald Austin, ANC 4B06
Chairperson



cc: Hon. Muriel Bowser, Councilmember, Ward 4
Commissioners, ANC 4B
Mr. David Boyd, Takoma Station Tavern
Mr. Gottlieb Simon, Executive Director, Office of Advisory Neighborhood Commission
Ms. Janene Jackson, Executive Office of the Mayor



Advisory Neighborhood Commission 4B
Government of the District of Columbia
6856 Eastern Avenue, NW - Suite 314
Washington, DC 20012

RESOLUTION #14-0704

Approving a Settlement Agreement

With Takoma Station Tavern, 6914 Fourth Street N.W.

Adopted July 28, 2014

RESOLVED:

Advisory Neighborhood Commission 4B approves and agrees to become a signatory to the attached Settlement Agreement with Takoma Station Tavern, 6914 Fourth Street N.W., ABRA-079370.

FURTHER RESOLVED:

Commissioner Faith Wheeler, ANC 4B02 and Commissioner Ron Austin, ANC 4B06, are hereby authorized to serve as the Commission's representatives in all matters relating to this license application and settlement agreement.

FUTHER RESOLVED:

Consistent with DC Code §1-309, only actions of the full commission voting in a properly noticed public meeting have standing and carry great weight. The actions, positions and opinions of individual commissioners, insofar as they may be contradictory to or otherwise inconsistent with the expressed position of the full commission in a properly adopted resolution or letter, have no standing and cannot be considered as in any way associated with the commission.

ADOPTED by roll call vote at a special public meeting (notice of which was properly given, and at which a quorum of eight of nine members was present) on July 28, 2014, by a vote of 6 yes, 1 no, 1 abstain.

YES
 Grant
 Speaks
 Austin
 Jones
 Jefferson
 Sloan

NO
 Green

ABSTAIN
 Wheeler