

**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

**In the Matter of:** )  
 )  
202 Lounge One, LLC )  
t/a 202 Lounge One )  
 )  
Applicant for a New )  
Retailer's Class CT License )  
 )  
at premises )  
609 H Street, NW )  
Washington, D.C. 20001 )  
\_\_\_\_\_ )

Case No.: 23-PRO-00075  
License No.: ABRA-125294  
Order No.: 2023-516

202 Lounge One, LLC, t/a 202 Lounge One, Applicant

Michael Shankle, Chairperson, Advisory Neighborhood Commission (ANC) 2C, Protestant

**BEFORE:** Donovan Anderson, Chairperson  
James Short, Member  
Bobby Cato, Member  
Jeni Hansen, Member  
Edward S. Grandis, Member

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**ORDER ON SETTLEMENT AGREEMENT AND WITHDRAWAL OF  
ANC 2C'S PROTEST**

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The Application filed by 202 Lounge One, LLC, t/a 202 Lounge One (Applicant), for a New Retailer's Class CT License, having been protested, came before the Alcoholic Beverage and Cannabis Board (Board) for a Roll Call Hearing on September 18, 2023, in accordance with D.C. Official Code § 25-601 (2001).

The official records of the Board reflect that the Applicant and ANC 2C have entered into a Settlement Agreement (Agreement), dated October 3, 2023, that governs the operations 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 Michael Shankle, on behalf of ANC 2C, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by ANC 2C.

Accordingly, it is this 18th day of October 2023, **ORDERED** that:

1. The Application filed by 202 Lounge One, LLC, t/a 202 Lounge One, for a New Retailer's Class CT License, located at 609 H Street, NW, Washington, D.C., is **GRANTED**;
2. The Protest of ANC 2C in this matter is hereby **WITHDRAWN**;
3. The above-referenced Settlement Agreement submitted by the Applicant and ANC 2C to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modifications:

Section 4 (Noise and Privacy) – Sentences two and three shall be replaced with the following language: “The licensee shall not play music or other amplified sounds that cause music, noise, or vibrations to be heard or felt inside a residence with its windows or doors closed.”

Section 6 (Notice and Opportunity to Cure) – After the language “If to Applicant:” the following contact information shall be inserted:

“Tiya Bogale  
[tiyyabki@gmail.com](mailto:tiyyabki@gmail.com)  
512-400-1580.”

The parties have agreed to these modifications.

4. Copies of this Order shall be sent to the Parties.

District of Columbia  
Alcoholic Beverage and Cannabis Board

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
Key: ac43c002b9d5f6e4e730009d1dccc8

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com  
*James Short*  
Key: 5476c373822de6c6bd1b3322d2d49c

James Short, Member

eSigned via SeamlessDocs.com  
*Bobby Cato*  
Key: 2d5d3fca4fba1d5c774b735bd7917d20d

Bobby Cato, Member

eSigned via SeamlessDocs.com  
*Jeni Hansen, Member*  
Key: 82172291c526447491b5c9c2a41853

Jeni Hansen, Member

eSigned via SeamlessDocs.com  
*Edward Grandis, Member*  
Key: 5027bda7f8f0040ec14adab52541ce5

Edward S. Grandis, 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 and Cannabis Administration, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section II 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 SETTLEMENT AGREEMENT ("Agreement") is made on this 3 day of October, 2023 by and between 202 Lounge One LLC t/a 202 Lounge One, ABRA License 125294 ("Applicant") and Advisory Neighborhood Commission 2C "Protestant", (collectively, the "Parties").

#### WITNESSETH

WHEREAS, Applicant has applied for a Retailer's Class "C" Tavern #125294 with an entertainment endorsement for live entertainment and dancing for a business establishment ("Establishment") located at 609 H Street NW, Washington, DC 20001 ("Premises");

WHEREAS, the Parties have agreed to enter into this Agreement and request that the Alcoholic Beverage Cannabis Administration Board ("ABCA Board") approve the Applicant's license application conditioned upon the Applicant's compliance with the terms of this written Agreement; and

WHEREAS, the Parties are desirous of entering into a Settlement Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to minimize the effect on (i) peace, order, and quiet of the neighborhood and (ii) to eliminate the need for a Protest Hearing regarding the license application.

WHEREAS, the Wah Luck House, 800 6th St NW, Washington, DC 20001, stands adjacent to the Establishment on the corner of 6th and H Street NW. This is a residential building of affordable housing units which is home to the most densely concentrated group of Chinese residents, mostly seniors, in Washington DC.

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. Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
- 2. Nature of the Business.** The Applicant will manage and operate a Retailer's Class "C" Tavern with an entertainment endorsement to provide live, inside entertainment and dancing. Any change from this model shall be considered by both Parties to be a substantial change in operation of great concern to residents and requires prior approval by the ABCA Board.
- 3. Hours of Operation.** The Applicant's hours of operation/sales/service/consumption shall not exceed the following:

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Sunday through Thursday: 10:00 A.M. – 2:00 A.M.  
Friday and Saturday: 10:00 A.M. – 3:00 A.M.

The Applicant shall offer live entertainment:

Sunday through Thursday: 6:00 P.M. to 1:30 A.M.  
Friday through Saturday 6:00 P.M. to 2:30 A.M.

Nothing in this Agreement shall prevent the Applicant from applying for extended hours during the following: (a) one-day substantial change applications; (b) on days designated by the DC ABCA Board as "Holiday Extension of Hours"; (c) in the event the Council of the District of Columbia or the ABCA Board grants licensees in general extended operating hours (such as for Inauguration) applicant may avail itself of such extended hours; and (d) on January 1 of each year applicant may operate until 4:00 A.M.

**3. Menu Service.** The Establishment must have a menu and serve menu items up until two hours prior to closing.

**4. Noise and Privacy.** All noise complaints will be addressed and/or mitigation steps will be taken by the Owner and/or her/his representative within three days. If a noise complaint is filed by ANC 2C and that complaint is substantiated by ABCA Board's Investigator, the Applicant will retain a licensed acoustical engineer to resolve this issue. The Establishment will incorporate steps recommended by the acoustical engineer to reasonably ensure that music, noise, and vibration from the Establishment are not audible or felt within the adjacent residential properties.

Additionally, Establishment will not place speakers or audio equipment on the wall adjacent to the residential building. This provision is to reduce potential noise and vibration from being audible or felt within the adjacent residential properties.

**5. Rats and Vermin Control.** The Applicant shall provide rat and vermin control for its property. Applicant shall take reasonable steps to have the Establishment and the area around the Premises properly cleaned at the end of each night.

**Communications/Contact:** Applicant agrees to designate at least one individual staff member or manager to address specific concerns or issues raised by the ANC. Specifically, Applicant will provide the ANC the name and contact information for an individual to which any comments/concerns about the operation of the establishment may be addressed. Applicant agrees to respond to any complaints or concerns regarding peace, order, and quiet within 48 hours. Applicant's failure to respond within 48 hours shall be deemed a breach of this Agreement.

**6. Notice and Opportunity to Cure.** Notice in compliance with this agreement shall be satisfied upon the receipt of a communication (letter, email, fax) to the Applicant at the licensed address provided in this agreement. The notice shall state the specific

provision of the agreement that is being violated.

Once valid notice is received, the License shall have 10 days to cure the violation.

The ANC will first come to the Applicant and the Applicant will have the opportunity to cure the issue prior to coming to ABCA. Unless the breach is of an emergency nature or is a repetition of a prior breach, reasonable notice and opportunity shall provide for a cure within 10 days of the date of such notice. If Applicant or the licensee fails to cure within the 10-day period (or, with respect to a breach which reasonably requires more than 10-days to cure, fails to commence cure of such breach and diligently pursues such cure) failure shall constitute a cause for seeking a Show Cause Order from the ABCA Board pursuant to D.C. Official Code § 25-447.

If to Applicant:        **INSERT**

If to Protestants:     **Advisory Neighborhood Commission 2C  
PO Box 517  
Washington, DC 20044  
Attn: Michael Shankle, Chair  
Telephone: 617.304.4372  
Email: [2C01@anc.dc.gov](mailto:2C01@anc.dc.gov)**

**7. Withdrawal of Protests.** Upon execution of this Agreement by the Parties and its approval by the ABCA Board, the Protestant shall withdraw the protest.

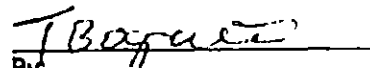
**PROTESTANT:**

Advisory Neighborhood Commission 2C

  
By: Michael Shankle, Chair

**APPLICANT:**

202 Lounge One LLC  
t/a 202 Lounge One

  
By: