

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

In the Matter of:)
)
Two Tigers Parkwood, LLC)
t/a Parkwood Porch)
)
Applicant for a New)
Retailer’s Class CT License)
)
at premises)
3548 14th Street, NW)
Washington, D.C. 20010)

License No.: ABRA-117791
Order No.: 2021-274

Two Tigers Parkwood, LLC, t/a Parkwood Porch, Applicant

Sidon Yohannes, Counsel, on behalf of the Applicant

Layla Bonnot, Commissioner, Advisory Neighborhood Commission (ANC) 1A

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Two Tigers Parkwood, LLC, t/a Parkwood Porch (Applicant), Applicant for a new Retailer’s Class CT License and ANC 1A have entered into a Settlement Agreement (Agreement), dated April 9, 2021, 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 ANC 1A, are signatories to the Agreement. The Applicant and Commissioner Layla Bonnot, on behalf of ANC 1A, are signatories to the Agreement.

Accordingly, it is this 12th day of May 2021, **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 modifications:

Section 3 (Hours of Operation and Alcohol Sales, Service, and Consumption) – The language “The Applicant’s hours of limited amplified/recorded music for rooftop garden...” shall be replaced with the language “The Applicant's hours of limited amplified/recorded music only (no live music) for the rooftop summer garden...”

Section 3 (Hours of Operation and Alcohol Sales, Service, and Consumption) – Last paragraph, numeral (3), shall be read as follows: “(3) on January 1 of each year, the Applicant may sell, serve, and allow the consumption of alcoholic beverages until 4 a.m. Further, ANC 1A would not object to the Applicant applying for an one-day substantial change permit so that it may offer entertainment until 4 a.m. on January 1 of each year.”

The parties have agreed to these modifications.

2. Copies of this Order shall be sent to the Applicant and ANC 1A.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeallessDocs.com
Donovan Anderson
Key: 4c432b5f899187648b7279991dce88

Donovan Anderson, Chairperson

eSigned via SeallessDocs.com
James Short
Key: 247ac7302006e0641b022a8254bec

James Short, Member

eSigned via SeallessDocs.com
Bobby Cato
Key: 256d3ca1fba145d716d73ed7917e20d

Bobby Cato, Member

Rema Wahabzadah, Member

eSigned via SeallessDocs.com
Rafi Aliya Crockett, Member
Key: b5c0a91845a19a4016155a5c17f91cc

Rafi Crockett, Member

eSigned via SeallessDocs.com
Jeni Hansen, Member
Key: 821720916506447418569c2a41809

Jeni Hansen, Member

eSigned via SeallessDocs.com
Edward Grandis, Member
Key: 5027bda7ff0040ec14adeb52541ce5

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 Regulation Administration, 2000 14th 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).



ANC 1A ADVISORY NEIGHBORHOOD COMMISSION 1A

SMD 1A01 – Layla Bonnot
SMD 1A04 – Chris Hall
– Mukta Ghorpadey
Wray
SMD 1A10 – Rashida Brown

SMD 1A02 – Dieter Lehmann Morales
SMD 1A05 – Christine Miller
SMD 1A08 – Kent C. Boese

SMD 1A11 – Dotti Love Wade

SMD 1A03 – Zach Rybarczyk
SMD 1A06 – Judson Wood
SMD 1A07
SMD 1A09 – Michael

SMD 1A12 – Jason Clock

SETTLEMENT AGREEMENT

THIS AGREEMENT ("Agreement") is made on this 9th day of April 2021, by and between Two Tigers Parkwood LLC (dba Parkwood Porch). (the "Applicant"), and Advisory Neighborhood Commission 1A ("Protestant"), (collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant has applied for a Retailers License Class "C" Tavern for a business establishment located at 3548 14th Street, N.W. (the "Premises");

WHEREAS, the Parties have agreed to enter into this Agreement and request that the Alcoholic Beverage Control Board ("ABC 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 an 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) the peace, order, and quiet of the neighborhood and (ii) pedestrian safety and vehicular traffic, and to eliminate the need for a Protest Hearing regarding the license 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. **Recitals Incorporated:** The recitals set forth above are incorporated herein by reference.
2. **Nature of the Business:** The Applicant will manage and operate a cafe and bar. Seating Capacity of and Total Occupancy Load shall be as stated on the Certificate of Occupancy. 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 ABC Board.

3. Hours of Operation and Alcohol Sales, Service, and Consumption:

The Applicant's hours of operation shall be as follows;

Sunday through Thursday 9:00 am - 2:00 am,
Friday and -Saturday 9:00 am - 3:00 am

The Applicant's hours for selling and serving alcohol on premise and on the Rooftop Garden shall be as follows:

Sunday through Thursday 9:00 am - 2:00 am
Friday and Saturday 9:00 am - 3:00 am

The Applicant's hours of live entertainment on premise shall be as follows:

Sunday through Saturday 11:00 am - 1:00 am

The Applicant's hours of live entertainment (including amplified/recorded music) for rooftop garden shall be as follows:

Sunday through Thursday 11:00 am - 9:00 pm
Friday and Saturday 10:00 am- 9:00 pm

The Applicant's hours of limited amplified/recorded music for rooftop garden not to exceed those levels outlined in D.C. Official Code § 25-725 shall be:

Sunday through Thursday 9:00 pm-2:00am
Friday and Saturday 9:00 pm- 3:00 am

Provided, however, (1) on days designated by the DC ABC Board as "extended Hours for ABC Establishments" Applicant may serve alcoholic beverages for one additional hour (that is, one hour later in the morning) or later hours as authorized; (2) in the event the Council of the District of Columbia or the DC ABC Board grant licensees in general 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 4 am.

4. Floors Utilized and Occupancy: The Applicant will operate its establishment on the ground floor of the building and the rooftop garden. The rooftop garden will only allow alcohol sales, service, and consumption with an endorsement by the ABC Board. The Establishment will have no more patrons than permissible by DC Code and Fire regulations.

5. Noise, Entertainment, and Privacy: Applicant will strictly comply with D.C. Official Code § 25-725 as outlined here:

<https://code.dccouncil.us/dc/council/code/sections/25-725.html> . Doors and windows will be closed when the Rooftop Garden is closed except as needed for the purpose of patrons to enter and exit. In the event there shall be a violation of

this subsection, the Applicant shall take all steps necessary to prevent the repetition of such violation. This will also include working with the ANC to implement additional precautions including the closure of doors and windows at an earlier hour and/or modify background music volume, if necessary.

- The Applicant commits to installing sound reducing fencing alongside the back and portions of the sides of the Rooftop Garden prior to its use. Fencing alongside 14th st NW is optional.
6. **Public Space and Trash:** Applicant shall use commercially reasonable efforts to keep the sidewalk, tree box(es), alley and abutting public spaces clean and free of litter, bottles, and other debris in compliance with D.C. Code and Municipal Regulations. Applicant shall police these areas daily to assure that refuse and other materials are promptly removed. The Applicant agrees to obtain a dumpster(s) to be placed in the rear of the building and out of view from the street and sidewalk from 14th Street. Applicant shall make commercially reasonable efforts to ensure that the area around the dumpster(s) is kept clean and the dumpster(s) is placed such that it does not encroach on the abutting property owners and so that no garbage is placed on the abutting property.
 7. **Rats and Vermin Control:** The Applicant shall provide rat and vermin control for its property. Applicant shall provide proof of its rat and vermin control contract upon the request of the Board. Applicant shall have the Establishment and the area around the Premises properly cleaned at the end of each night to ensure that there is not garbage and odors present the following morning.
 8. **License Ownership and Compliance with ABRA Regulations:** Applicant promises to Protestants that it shall abide by all Alcoholic Beverage Regulation Administration (ABRA) regulations regarding ownership of the license and all other provisions applicable to liquor licensees, and agrees that Protestants shall have standing to ask the ABC Board to enforce any violations of the agreement.
 9. **Participation in the Community:** Applicant agrees to seek to maintain open communication with the Protestants, and the community for which the ANC acts.
 10. **Notice and Opportunity to Cure:** In the event that any of the parties is in breach of this Agreement, the party shall be entitled to reasonable notice and opportunity to cure, as a condition precedent to seeking enforcement of the Agreement. Unless the breach is of emergency nature or is a repetition of a prior breach, reasonable notice and opportunity shall provide for a cure within 30 days of the date of such notice. If Applicant or the licensee fails to cure within the 30-day period (or, with respect to a breach which reasonably requires more than 30-days to cure, fails to commence cure of such breach and diligently pursues such cure) failure shall constitute a cause for the ANC to file a complaint with the ABC Board pursuant to D.C. Official Code § 25- 446(e) in order to enforce the provisions of the Agreement. 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 or receipt or refusal of receipt.

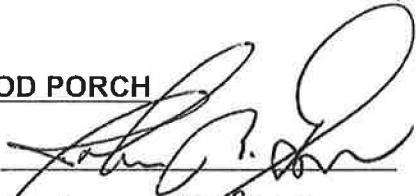
If to Applicant:
Two Tigers Parkwood LLC

3548 14th St., N.W.
Washington, DC
Attn: John B. Gogos
202.365.5589

If to Protestants:
Advisory Neighborhood Commissions 1A

3400 11th Street, NW
Washington, DC
Attn: Kent Boese, Chairman
(202) 944-8111

PARKWOOD PORCH


Signature: 
Print Name: JOHN B. GOGOS (Owner)

ANC1A

Signature: 
Print Name: Layla Bonnot, SMD 1A01

Certification:

After providing sufficient notice for and with a quorum of 11 present at its April 14 2021, meeting, Advisory Neighborhood Commission 1A voted, with 10 Yeas, 0 Nos and 1 Abstentions, to adopt the above agreement.


Kent C. Boese
Chairperson, ANC 1A


Zach Rybarczyk
Secretary, ANC 1A