

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

In the Matter of:)

TWB DC Chinatown, LLC)
t/a Tom's Watch Bar)

Application for a New)
Retailer's Class CR License)

at premises)
781 7th Street, NW)
Washington, D.C. 20001)

Case No.: 21-PRO-00091
License No.: ABRA-119403
Order No.: 2022-084

TWB DC Chinatown, LLC, t/a Tom's Watch Bar (Applicant)

Sidon Yohannes, Counsel, on behalf of the Applicant

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

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

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

The Application filed by TWB DC Chinatown, LLC, t/a Tom's Watch Bar (Applicant), for a new Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on December 20, 2021, in accordance with D.C. Official Code § 25-601 (2001).

The official records of the Board reflect that the Applicant and ANC 2C entered into a Settlement Agreement (Agreement), dated February 1, 2022, 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 2nd day of March 2022, **ORDERED** that:

1. The Application filed by TWB DC Chinatown, LLC, t/a Tom's Watch Bar, for a new Retailer's Class CR License, located at 781 7th 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 The Protest of ANC 2C in this matter is hereby **WITHDRAWN**;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 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 6 (Communications/Contact) – The following language shall be removed:
“Applicant agrees to respond to any complaints or concerns regarding peace, order, and quiet within 72 hours.”

4. The parties have agreed to this modification.
5. Copies of this Order shall be sent to the Applicant and ANC 2C.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: a43c3b849e81f09e4873090a14cc28

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 347e3378020e4c9d1b03204240e

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 255d3fcddbe146474b75bd7917d20d

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: f500991845e1f9e4016135e5c1281e2

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 9217220192504474918588c2a4185f

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda7ff9f040ec14adeb02541ce5

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).

THIS SETTLEMENT AGREEMENT (“Agreement”) is made on this 1 day of February 2022, by and between TWB DC Chinatown, LLC t/a Tom’s Watch Bar, ABRA License 119403 (“Applicant”), and Advisory Neighborhood Commission 2C (“Protestant”), (collectively, the “Parties”).

WITNESSETH

WHEREAS, Applicant has applied for a Retailer’s Class “C” Restaurant #119403 for a business establishment (“Establishment”) located at 781 7th Street NW, Washington, DC 20001 (“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 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 (if) peace, order, and quiet of the neighborhood and (ii) 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 Retailer’s Class “C” Restaurant. 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.** The Applicant’s hours of operation/sales/service/consumption shall not exceed the following:

Sunday through Thursday: 8:00 A.M. – 2:00 A.M.
Friday and Saturday: 8:00 A.M. – 3:00 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 ABC Board as “Holiday Extension of Hours”; (c) in the event the Council of the District of Columbia or the ABC 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.

4. Noise and Privacy. Applicant will strictly comply with D.C. Official Code § 25-725 and take all reasonable measures to ensure that music, noise and vibration from the Establishment are not audible within the adjacent residential properties. The Applicant further agrees that it will remove two subwoofers in the walls of the establishment prior to operating.

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.

6. Communications/Contact: Applicant agrees to designate at least one individual staff member or manager to address specific concerns or issues raised by the community. 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 72 hours.

7. Notice and Opportunity to Cure. In the event that any of the parties is in breach of this Agreement, it 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 an 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 seeking a Show Cause Order from the ABC Board pursuant to D.C. Official Code § 25-447. Unless otherwise noted above, any notices required to be made under this Agreement shall be emailed to the other parties to this Agreement at the email addresses listed below.

If to Applicant: TWB DC Chinatown, LLC
t/a Tom's Watch Bar
781 7th Street NW
Washington, DC 20001
Attn: Brooks Schaden
Email: bschaden@consumereg.com

If to Protestant: Advisory Neighborhood Commission 2C
PO Box 517
Washington, DC 20044
Attn: Michael Shankle, Chair
Email: 2C01@anc.dc.gov

Failure to give notice shall not constitute waiver or acquiescence to the violation, but notice shall be a prerequisite to the filing of a complaint with the ABC Board or any other enforcement action.

8. Withdrawal of Protest. Upon execution of this Agreement by the Parties and its acceptance by the ABC Board, the Protestant shall withdraw the protest.

PROTESTANT:


Advisory Neighborhood Commission 2C

DocuSigned by:
Michael Shankle 2/1/2022
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By: Michael Shankle, Chair

APPLICANT:

TWB DC Chinatown, LLC
t/a Tom's Watch Bar


By: Brooks Schaden