

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

**In the Matter of:**

Supra, LLC  
t/a Supra

Application for Substantial Change  
(Sidewalk Cafe)  
to a Retailer's Class CR License

at premises  
1013 M Street, NW  
Washington, D.C. 20001

Case No.: 18-PRO-00023  
License No.: ABRA-106618  
Order No.: 2018-399

Supra, LLC, t/a Supra (Applicant)

Ashwin Phatak, on behalf of A Group of Five or More Individuals

Caitlin K. and Jonathan Moynihan, Abutting Property Owners

Mathew Contento, Abutting Property Owner

Wah-Keng Wu, Abutting Property Owner

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

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**ORDER ON SETTLEMENT AGREEMENT AND  
WITHDRAWAL OF PROTESTS**

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The Application filed by Supra, LLC, t/a Supra (Applicant), for a Substantial Change to add a Sidewalk Cafe, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on April 30, 2018, in accordance with D.C. Official Code § 25-601.

The official records of the Board reflect that the Applicant, a Group of Five or More Individuals, Caitlin K. and Jonathan Moynihan, Mathew Contento, and Wah-Keng Wu entered into a Settlement Agreement (Agreement), dated June 8, 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; Ashwin Phatak, on behalf of the Group of Five or More Individuals; Caitlin K. and Jonathan Moynihan; Mathew Contento; and Wah-Keng Wu; are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protests filed by the Group of Five or More Individuals, Caitlin K. and Jonathan Moynihan, Mathew Contento, and Wah-Keng Wu.

Accordingly, it is this 20th day of June, 2018, **ORDERED** that:

1. The Application filed by Supra, LLC, t/a Supra, for a Substantial Change to add a Sidewalk Cafe is **GRANTED**;
2. The Protests of the Group of Five or More Individuals, Caitlin K. and Jonathan Moynihan, Mathew Contento, and Wah-Keng Wu in this matter are hereby **WITHDRAWN**;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 2 (Hours of Operation) – The language “hours of operation” shall be replaced with the language “hours of operation, sales, service, and consumption” wherever it appears.

The parties have agreed to this modification.

4. Copies of this Order shall be sent to the Applicant, Caitlin K. and Jonathan Moynihan, Mathew Contento, Wah-Keng Wu, and Ashwin Phatak, on behalf of the Group of Five or More Individuals.


District of Columbia  
Alcoholic Beverage Control Board

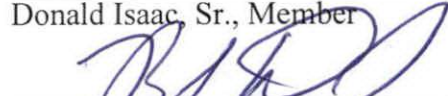
  
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Donovan Anderson, Chairperson

  
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Nick Alberti, Member

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Mike Silverstein, Member

  
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James Short, Member

  
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Donald Isaac, Sr., Member

  
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Bobby Cato, Member

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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 14<sup>th</sup> 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**  
**BETWEEN SUPRA LLC, GROUP OF 6 INDIVIDUALS AND**  
**ABUTTING PROPERTY OWNER PROTESTANTS**

**THIS SETTLEMENT AGREEMENT** ("Agreement") is made on this 8<sup>th</sup> day of June, 2018, by and between Supra LLC ("Applicant"), Ashwin Phatak, designated representative of the Group of 6 Protestants, and Abutting Property Owner Protestants (all Protestants collectively referred to as "Protestants").

**RECITALS**

Whereas, Applicant has applied to the Alcoholic Beverage Regulation Administration for a Sidewalk Café Endorsement to its Alcohol Beverage License ("License") for the Premises located at 1013 M Street, N.W. ("Premises"); and

Whereas, the Parties wish to enter into a Settlement Agreement pursuant to D.C. Official Code § 25-446 to address concerns related to peace, order, quiet and property values.

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions set forth herein, the Parties agree as follows:

1. Recitals Incorporated. The recitals set forth above are incorporated herein by reference.
2. Hours of Operation. Applicant agrees that its hours of operation for the sidewalk café shall be:
  - A. Sunday through Thursday: 10:00 a.m. to 10:00 p.m.
  - B. Friday and Saturday: 10:00 a.m. to 11:30 p.m.

Applicant shall maintain a clearly visible sign at the entrance of the sidewalk café with the foregoing hours of operation posted.

Additionally:

Applicant shall clean the sidewalk café immediately following closing and as quickly as possible, but no later than 30 minutes after closing. Applicant shall clean the sidewalk café in a manner that minimizes all sound to the fullest extent possible, including noise from tables and chairs being moved about and from staff responsible for cleaning the sidewalk café.

3. Number of Seats. Applicant shall have no more than 40 seats on the sidewalk café.
4. Dining Service. Applicant shall provide dining service only on the sidewalk café. No bar shall be operated on the sidewalk café.

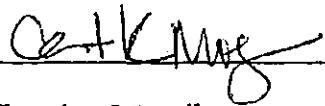
5. Noise.
  - A. No music or amplified sounds shall be allowed on the sidewalk café.
  - B. Applicant shall:
    - (i) place umbrellas on the sidewalk café to provide shading and mitigate the transmission of noise;
    - (ii) place placards visible from each table in the sidewalk café encouraging patrons to be respectful of the surrounding residential neighbors;
    - (iii) train all employees to be sensitive to and take steps to reduce the transmission of noise to the residential area above during service of patrons, removal of trash, dishes and furniture, and cleaning the sidewalk café, and
    - (iv) if reasonably possible lock all furniture on the sidewalk café overnight rather than remove the furniture.
6. Trash. Applicant shall remove and properly dispose of all trash from the sidewalk café on a frequent basis during operations and at closing time.
7. Beautification of Area. Applicant shall install and maintain planters and plantings around the sidewalk café in order to beautify the space.
8. Notification.
  - A. Applicant shall provide an e-mail address to the Protestants through which any comments or concerns about the nature of the operation of the sidewalk café can be addressed; and
  - B. At all times, at least one member of Applicant's staff ("Point Person") who is on-site will be responsible for acting in a responsive manner if/when a concern arises with neighboring residents. This Point Person shall understand the terms of this Agreement; be empowered to at all times enforce the terms set forth herein; and will contact Applicant's owner as the situation necessitates.
9. Binding Effect. This Agreement shall be binding upon and enforceable against Applicant and successors of Applicant.

In consideration of the agreements set forth above, the Protestants shall, upon approval of this Agreement by the Alcoholic Beverage Regulation Administration, withdraw their protests of the application for a Sidewalk Café Endorsement to Applicant's License.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above written.

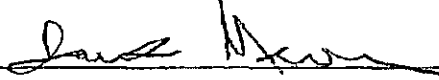
**ABUTTING PROPERTY OWNER PROTESTANTS:**

Caitlin K. Moynihan

  
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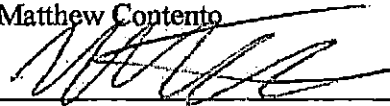
Date: 6/8/18

Jonathan Moynihan

  
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Date: 6/8/18

Matthew Contento

  
\_\_\_\_\_

Date: 6/8/18

Wah-Keng Wu

  
\_\_\_\_\_


Date: 6/8/18

**GROUP OF 6 PROTESTANTS**

By: Ashwin Phatak  
Ashwin Phatak, Representative

Date: 6/8/18

**SUPRA LLC**

By:   
Jonathan David Nelms, Owner

Date: 6/8/18