

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

<hr/>)	
In the Matter of:)	
)	
1331 Connecticut, LLC)	
t/a NTH (National Tap House))	
)	Case No. 13-PRO-00104
Applicant for a New)	License No. ABRA-092156
Retailer's Class CT License)	Order No. 2013-449
)	
at premises)	
1331 Connecticut Avenue, N.W.)	
Washington, D.C. 20036)	
<hr/>)	

1331 Connecticut, LLC, t/a NTH (National Tap House) (Applicant)

Will Stephens, Chairperson, on behalf of Advisory Neighborhood Commission (ANC)
2B

Abigail Nichols and Lillian Gaskin, on behalf of A Group of Five or More Individuals
(Approximately 32 Individuals)

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member

**ORDER ON SETTLEMENT AGREEMENT AND WITHDRAWAL OF PROTEST
OF A GROUP OF FIVE OR MORE INDIVIDUALS**

The Application filed by 1331 Connecticut, LLC, t/a NTH (National Tap House), for a new Retailer's Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on August 5, 2013, and a Protest Status Hearing on August 14, 2013, in accordance with D.C. Official Code § 25-601 (2001).

The official records of the Board reflect that the Applicant, ANC 2B, and A Group of Five or More Individuals have entered into a Settlement Agreement

**1331 Connecticut, LLC
t/a National Tap House
Case No. 13-PRO-00104
License No. ABRA-092156
Page 2**

(Agreement), dated September 17, 2013, 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; Chairperson Will Stephens, on behalf of ANC 2B; and Abigail Nichols and Lillian Gaskin, on behalf of the Group of Five or More Individuals, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by the Group of Five or More Individuals.

Accordingly, it is this 16th day of October, 2013, **ORDERED** that:

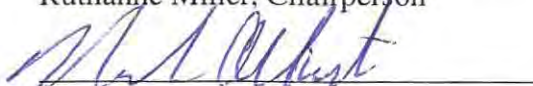
1. The Application filed by 1331 Connecticut, LLC, t/a NTH (National Tap House), for a new Retailer's Class CT License located at 1331 Connecticut Avenue, N.W., Washington, D.C., is **GRANTED**;
2. The Protest of the Group of Five or More Individuals in this matter is hereby **WITHDRAWN**;
3. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Applicant, ANC 2B, and Abigail Nichols and Lillian Gaskin, on behalf of the Group of Five or More Individuals.

1331 Connecticut, LLC
t/a National Tap House
Case No. 13-PRO-00104
License No. ABRA-092156
Page 3

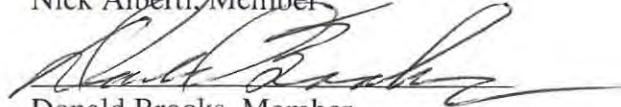
District of Columbia
Alcoholic Beverage Control Board



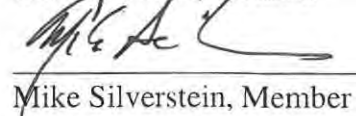
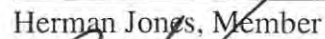
Ruthanne Miller, Chairperson



Nick Alberti, Member



Donald Brooks, Member



Mike Silverstein, Member

Pursuant to D.C. Official Code § 25-433, 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.

SETTLEMENT AGREEMENT

1. This Settlement Agreement ("Agreement"), made this 17th day of September, 2013, by and between Abigail Nichols and Lillian Gaskin on behalf of petitioners (see Exhibit A) with a common interest in the peace, order, and quiet of residents near the applicant's establishment ("Protestants") (*and Will Stephens, Chair, on behalf of Advisory Neighborhood Commission 2B*) and NTH (National Tap House 1331 Connecticut Avenue, NW) ("Applicant").
2. WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board ("ABC Board") is an application for the issuance of a Retailer Class C Tavern license ("CT License") to Applicant for an establishment at 1331 Connecticut Avenue ("Establishment");
3. WHEREAS, the Protestants have filed before the ABC Board a protest opposing the granting of this license application.
4. WHEREAS, in recognition of the Board's policy of encouraging parties to a protested proceeding to settle their differences by reaching settlement agreements, the Parties hereto desire to enter into a settlement agreement whereby (1) Applicant will agree to adopt certain measures to address the Protestant's concerns and to include this agreement as a formal condition of its application, and (2) Protestant will agree to the issuance of this license and withdrawal of the Protest *provided* that such agreement is incorporated into the Board's order issuing the license, which order is thereby conditioned upon compliance with such agreement.
5. WHEREAS, the principal concern of the protestants is the possibility of noise from a "summer garden" roof deck associated with a sports bar permeating their nearby residences,
6. WHEREAS, the Protestants want to support the success of this new business,
7. WHEREAS, the Applicant does not want this alcohol establishment to create noise heard by nearby residents.
8. WHEREAS, both parties agree to work together on solutions should problems arise under his settlement agreement;
9. WHEREAS, the Protestants have reached an agreement with Applicant commemorating certain understandings regarding Applicant's operation of the Establishment;
10. NOW AGREE THEREFORE, in consideration of the mutual covenants and undertakings memorialized herein, the Parties hereby agree as follows:

GENERAL AGREEMENTS

11. Binding. This Agreement shall be binding upon and enforceable against the successors and assigns of the Applicant during the terms of the CT License to which this Agreement applies.
12. Complaints. Applicant shall designate a representative to receive complaints concerning its business operations and provide a current telephone number to the representatives of the protestants.

Sen
9/17/2013

13. Noise control. Applicant recognizes that abating noise emanating from the Establishment and its "summer garden" roof deck is of paramount importance to the Protestants. Accordingly, Applicant acknowledges familiarity with, and will comply with, noise-control provisions of District of Columbia law and regulations at 25-275 and all amendments to all laws that substitute.

OPERATION INSIDE BUILDING

14. Hours of Operation inside the Establishment. Consistent with the Establishment's application, the hours of inside operation of the Establishment shall be Sunday through Thursday: 10:00 a.m. to 3:00 a.m., Friday and Saturday: 10:00 a.m. to 4:00 a.m.
15. Hours of Alcoholic Beverage Sales/Service/Consumption inside the Establishment. Consistent with existing D.C. law and the Establishment's application, the hours of Alcoholic Beverage Sales/Service/Consumption inside the Establishment shall be Sunday through Thursday: 11:00 a.m. to 2:00 a.m. and Friday and Saturday: 11:00 a.m. to 3:00 a.m.
16. Hours of Entertainment inside the Establishment. Consistent with the Establishment's application, the hours for entertainment inside the Establishment shall be Sunday through Thursday: 6:00 p.m. to 2:00 a.m. and Friday and Saturday: 6:00 p.m. to 3:00 a.m.
17. Windows and Doors Closed. All windows in the Establishment facing 18th Street shall be closed at all times. Doors will be opened only to allow entry and egress.

SUMMER GARDEN (A ROOF DECK ON A FIRST FLOOR EXTENSION AT THE BACK OF THE PREMISES)

18. Hours of Operation on the "Summer Garden" Roof Deck. Consistent with the Establishment's application, the hours of operation of the "summer garden" roof deck shall be Sunday through Thursday: 10:00 a.m. to 3:00 a.m., Friday and Saturday: 10:00 a.m. to 4:00 a.m.
19. Hours of Alcoholic Beverage Sales/Service/Consumption on the "Summer Garden" Roof Deck. Consistent with existing D.C. law and the Establishment's application, the hours of Alcoholic Beverage Sales/Service/Consumption on the "summer garden" roof deck shall be Sunday through Thursday: 11:00 a.m. to 2:00 a.m. and Friday and Saturday: 11:00 a.m. to 3:00 a.m.
20. Seating and Occupancy. The "summer garden" roof deck shall contain seating for 30 people and occupancy no greater than 40.
21. Monitoring. Staff shall monitor the "summer garden" roof deck during all hours of operation to insure occupancy is not exceeded and that noise levels remain at normal, quiet conversation level.

PCW
9/17/13

22. Entertainment. There shall be no entertainment provided by either the Applicant or its patrons on the "summer garden" roof deck including a) music - amplified or not, b) televisions with or without sound, or c) radios.
23. Noise mitigation: To minimize sound escaping from the "summer garden" roof deck the applicant will build a wood sound attenuation wall to the total height of 7 feet above the floor of the roof deck on the east side, and will place sound deadening panels attached to metal vertical roof/awning/tent structure at the north and south adjacent property walls, not physically attaching to those walls, attach sound deadening panels to their west and east masonry walls and install a sound attenuating roof/tent/ structure over the main portion of the outdoor deck to absorb and/or reflect the sound down and away from the adjacent buildings and that could protect the roof deck from inclement weather.

WITHDRAWAL OF PROTEST

24. Withdrawal of protest. Protestant agrees to the issuance of license to licensee and the withdrawal of their protest *provided* that the present Settlement Agreement is incorporated into the Board's order granting the license, which order is thereby conditioned upon compliance with such Settlement Agreement.

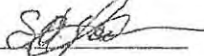
[SIGNATURES ON FOLLOWING PAGE]

ACU
2/17/2013

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

APPLICANT:

NTH (National Tap House)

By: Sara Kalivas 
?? OWNER

Date Signed: 9-17-13

PROTESTANT:

Abigail Nichols 

Abigail Nichols

Date Signed: September 17, 2013

Lillian A. Gaskin 

Lillian Gaskin

Date Signed: Sept 17, 2013

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

APPLICANT:
NTH (National Tap House)

PROTESTANT:

By: _____
Date Signed:

Abigail Nichols
Date Signed:

Lillian Gaskin
Date Signed:

Will Stephens, Chairman
Dupont Circle Advisory Commission 2B
Date Signed: 10/1/2013

July 11, 2013

Ms. Ruthanne Miller, Chairperson
Alcoholic Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, DC 20009

Subject: NTH (National Tap House)
ABRA - 092156

Dear Ms Miller,

We, the undersigned, wish to protest the application for a license by NTH (National Tap House) ABRA - 092156, 1331 Connecticut Ave., NW, Washington, DC, 20036, due to the negative impact of a Class C tavern and summer garden on the peace, order and quiet, as well as on the property values of the surrounding community under Title 25 Section 601.

We also name these persons as our designated representatives in protest-related activities.

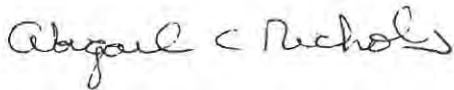
Lillian Gaskin, 1325 18th St., NW, Apt. 408, Washington, DC, 20036
ph: 202/293-1411 gaskinLBG@gmail.com

Abigail Nichols, 1325, 18th St., NW, Apt. 803, Washington DC 20036
ph: 202/331-9757 abigail_nichols@hotmail.com

We are a group of five or more protestors who are primarily affected residents and non-resident owners from the Palladium Condominium at 1325 18th St., NW, Washington, DC 20036.

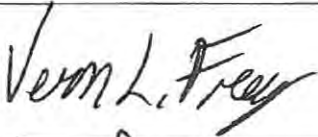

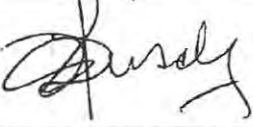


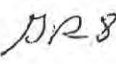
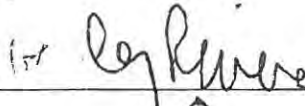


The Palladium contains business offices on the basement and first two floors and about 100 apartments on floors 3 through 10. Thirty-two residential apartments directly face 18th Street and the site of the proposed summer garden. Everyone is affected by additional consumption of alcoholic beverages along 18th St.

Thank you for your assistance in this matter.



Abigail Nichols for the petitioners listed on eight attached signature pages.

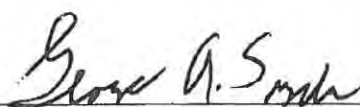
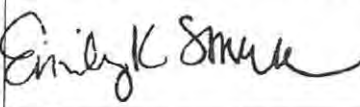



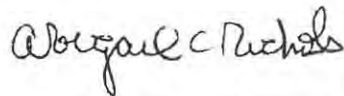
My signature below indicates my 1) protest of the application for a license to "NTH (National Tap House)" (License ABRA-092156, Retail Class "C" Tavern), 1331 Connecticut Ave NW, Washington, DC, 20036, due to the negative impact of such a license on peace, order, and quiet, as well on the property values of the surrounding community under Title 2 Section 601, and 2) my designation of Abigail Nichols and Lillian Gaskin as my representatives in this matter.

Signature	Please Print Your Name.	Apartment Number	Address
	VERN L. FREY	908	1325 18 th St. NW Washington, DC 20036
	Julie Hantman	805	1325 18 th St. NW Washington, DC 20036
	Raquel Sussler	603	1325 18 th St. NW Washington, DC 20036
	DILRAJ SIDHU	605	1325 18 th St. NW Washington, DC 20036
	THOMAS J. MCMAHON	311	1325 18 th St. NW Washington, DC 20036
	GLORIA SABATINI	512	1325 18 th St. NW Washington, DC 20036
	Ashley Riven	100	1325 18 th St. NW Washington, DC 20036
	BRIAN DOYLE	205	1325 18 th St. NW Washington, DC 20036
	CATHY HEALY	504	1325 18 th St. NW Washington, DC 20036

My signature below indicates my 1) protest of the application for a license to "NTH (National Tap House)" (License ABRA-092156, Retail Class "C" Tavern), 1331 Connecticut Ave NW, Washington, DC, 20036, due to the negative impact of such a license on peace, order, and quiet, as well on the property values of the surrounding community under Title 2 Section 601, and 2) my designation of Abigail Nichols and Lillian Gaskin as my representatives in this matter.

Signature	Please Print Your Name.	Apartment Number	Address
<i>Lillian Gaskin</i>	LILLIAN GASKIN	#408	1325 18 th St. NW Washington, DC 20036
<i>Lynn Bulger</i>	LYNN BULGER	#205	1325 18 th St. NW Washington, DC 20036
<i>Michael L. Lomas</i>	Michael L. Lomas	#10-811	1325 18 th St. NW Washington, DC 20036
<i>Shen</i>	Shenia Shakour	#608	1325 18 th St. NW Washington, DC 20036
<i>L.M.H.</i>	LENA KALJOR	#604	1325 18 th St. NW Washington, DC 20036
<i>David Fox</i>	DAVID FOX	#105	1325 18 th St. NW Washington, DC 20036
<i>S. Bulger</i>	TERRA BULGER	607	1325 18 th St. NW Washington, DC 20036
<i>Melissa Stanley</i>	MEUSSA Jo STANLEY	802	1325 18 th St. NW Washington, DC 20036
<i>Saraswati Khalsa</i>	SARASWATI KHALSA	605	1325 18 th St. NW Washington, DC 20036

My signature below indicates my 1) protest of the application for a license to "NTH (National Tap House)" (License ABRA-092156, Retail Class "C" Tavern), 1331 Connecticut Ave NW, Washington, DC, 20036, due to the negative impact of such a license on peace, order, and quiet, as well on the property values of the surrounding community under Title 2 Section 601, and 2) my designation of Abigail Nichols and Lillian Gaskin as my representatives in this matter.

Signature	Please Print Your Name.	Apartment Number	Address
	GEORGE A. SMITH	411	1325 18 th St. NW Washington, DC 20036
	Emily K. STRUNK	902	1325 18 th St. NW Washington, DC 20036
	DOX LUIS STEIN	302	1325 18 th St. NW Washington, DC 20036
	JILL KAGLE	901	1325 18 th St. NW Washington, DC 20036
	TERESA TERMINASSIAN	704	1325 18 th St. NW Washington, DC 20036
	Abigail C. Nichols	803	1325 18 th St. NW Washington, DC 20036
			1325 18 th St. NW Washington, DC 20036
			1325 18 th St. NW Washington, DC 20036
			1325 18 th St. NW Washington, DC 20036

My signature below indicates my 1) protest of the application for a license to "NTH (National Tap House)" (License ABRA-092156, Retail Class "C" Tavern), 1331 Connecticut Ave NW, Washington, DC, 20036, due to the negative impact of such a license on peace, order, and quiet, as well on the property values of the surrounding community under Title 2 Section 601, and 2) my designation of Abigail Nichols and Lillian Gaskin as my representatives in this matter.

[illegible]

My signature below indicates my 1) protest of the application for a license to "NTH (National Tap House)" (License ABRA-092156, Retail Class "C" Tavern), 1331 Connecticut Ave NW, Washington, DC, 20036, due to the negative impact of such a license on peace, order, and quiet, as well on the property values of the surrounding community under Title 2 Section 601, and 2) my designation of Abigail Nichols and Lillian Gaskin as my representatives in this matter.

[illegible]

My signature below indicates my 1) protest of the application for a license to "NTH (National Tap House)" (License ABRA-092156, Retail Class "C" Tavern), 1331 Connecticut Ave NW, Washington, DC, 20036, due to the negative impact of such a license on peace, order, and quiet, as well on the property values of the surrounding community under Title 2 Section 601, and 2) my designation of Abigail Nichols and Lillian Gaskin as my representatives in this matter.

[illegible]

My signature below indicates my 1) protest of the application for a license to "NTH (National Tap House)" (License ABRA-092156, Retail Class "C" Tavern), 1331 Connecticut Ave NW, Washington, DC, 20036, due to the negative impact of such a license on peace, order, and quiet, as well on the property values of the surrounding community under Title 2 Section 601, and 2) my designation of Abigail Nichols and Lillian Gaskin as my representatives in this matter.

[illegible]

My signature below indicates my 1) protest of the application for a license to “NTH (National Tap House)” (License ABRA-092156, Retail Class “C” Tavern), 1331 Connecticut Ave NW, Washington, DC, 20036, due to the negative impact of such a license on peace, order, and quiet, as well on the property values of the surrounding community under Title 2 Section 601, and 2) my designation of Abigail Nichols and Lillian Gaskin as my representatives in this matter.

[illegible]