

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

_____)	
In the Matter of:)	
)	
Clover Logan Circle, LLC)	
t/a Tortilla Coast)	
)	
Holder of a)	License No. ABRA-086859
Retailer's Class CR License)	Order No. 2014-072
)	
at premises)	
1454-1460 P Street, N.W.)	
Washington, D.C. 20005)	
_____)	

Clover Logan Circle, LLC, t/a Tortilla Coast (Licensee)

Matt Raymond, Chairperson, Advisory Neighborhood Commission (ANC) 2F

Richard Bianco, Esq., on behalf of The Metropole Residents

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member
Hector Rodriguez, Member
James Short, Member

ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Clover Logan Circle, LLC, t/a Tortilla Coast, (Licensee), ANC 2F, and The Metropole Residents entered into Settlement Agreement (Agreement), dated August 24, 2011, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated January 25, 2014, in accordance with D.C. Official Code § 25-446 (2001).

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee; Chairperson Matt Raymond, on behalf of ANC 2F; and Richard Bianco, Esq., on behalf of The Metropole Residents, are signatories to the Amendment.

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t/a Tortilla Coast
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Accordingly, it is this 25th day of February, 2014, **ORDERED** that:

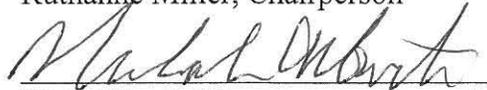
1. The above-referenced Amendment to Settlement Agreement, dated January 25, 2014, submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. All terms and conditions of the original Agreement, not amended by the Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee, ANC 2F, and Richard Bianco, Esq., on behalf of The Metropole Residents.

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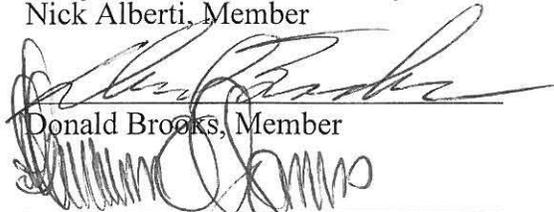
District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member



Donald Brooks, Member



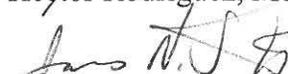
Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, 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.

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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to D.C. Official Code § 25-433, 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).

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AMENDMENT TO VOLUNTARY AGREEMENT

This Amendment to Voluntary Agreement ("Amendment") is made this 25th day of January, 2014, by and among Clover Logan Circle, LLC, t/a Tortilla Coast ("Applicant"), Advisory Neighborhood Commission 2F ("ANC 2F"), and The Metropole Residents.

WITNESSETH

WHEREAS, Applicant, holder of a Retailer's Class CN License No. ABRA-086859, wishes to avail itself of extended hours for its licensed premises at 1454 -1460 P St., NW, pursuant to Section 3 of its Voluntary Agreement dated August 24, 2011;

WHEREAS, Section 3 of Applicant's Voluntary Agreement dated August 24, 2011, states that ANC 2F shall promptly execute an amendment extending hours of operation "if, at the conclusion of the Establishment's first six (6) months of operation, ANC 2F finds there are no significant unresolved problems related to Applicant's hours for selling and serving alcohol."

WHEREAS, Applicant has operated for more than two years without any complaints to ANC 2F or investigated by ABRA regarding its hours of selling and serving alcohol;

WHEREAS, ANC 2F at its regularly scheduled and duly noticed monthly meeting of December 4, 2013, with a quorum present and operating throughout, voted unanimously (7-0) to advise that the ABC Board approve the terms of this Amendment agreement;

WHEREAS, counsel for a group of seven Metropole Residents (recital "b," Voluntary Agreement of August 24, 2011) has represented their support of this amendment;

WHEREAS, the community is supportive of Applicant's operation of the establishment and is supportive of its request for such extended hours;

WHEREAS, Applicant has agreed to enter into this Amendment agreement with the Community and to request further that the ABC Board approve Applicant's request be conditioned upon Applicant's compliance with the terms of its Voluntary Agreement dated August 24, 2011, as previously approved by the ABC Board;

NOW THEREFORE, in consideration of the recitals set forth above and the mutual covenants set forth below, the parties agree as follows:

1. Recitals Incorporated. The recitals set forth above are incorporated herein by reference.

2. Incorporation of Voluntary Agreement dated August 24, 2011. The parties agree to incorporate the terms of the Voluntary Agreement dated August 24, 2011, and approved by the ABC Board. Applicant agrees to adhere to the terms of and amendments to that said agreement in the operation of its business during the later hours agreed to below by this Amendment.

3. Section 3 "Hours of Operation" of the August 24, 2011, Voluntary Agreement is amended. Section 3 "Hours of Operation" of that certain Voluntary Agreement dated August 24, 2011, is amended by striking the section in its entirety and substituting the following:

"3. Hours of Operation. Applicant's hours for selling and serving alcohol shall not exceed the following:

Monday – Thursday	11:00 a.m. – 1 a.m.
Friday	11:00 a.m. – 2 a.m.
Saturday	10:00 a.m. – 2 a.m.
Sunday	10:00 a.m. – 1 a.m."

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

For ANC 2F:

For Clover Logan Circle, LLC:


Commissioner Matt Raymond, *Chairman*


Brian P. Sullivan

For The Metropole Residents:


Richard J. Bianco, *Counsel*