

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

In the Matter of:)

TB Cantina, LLC)
t/a Taco Bell Cantina)

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

at premises)
3100 14th Street, NW, Unit #103)
Washington, D.C. 20010)

License No.: ABRA-117777
Order No.: 2021-188

TB Cantina, LLC, t/a Taco Bell Cantina, Applicant

Matt Minora, Counsel, on behalf of the Applicant

Kent Boese and Zach Rybarczyk, Commissioners, 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 TB Cantina, LLC, t/a Taco Bell Cantina (Applicant), Applicant for a new Retailer's Class CR License and ANC 1A have entered into a Settlement Agreement (Agreement), dated March 10, 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 Commissioners Kent Boese and Zach Rybarczyk, on behalf of ANC 1A, are signatories to the Agreement.

Accordingly, it is this 21st day of April 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 modification:

Section 5 (Notice and Opportunity to Cure) – The language " shall constitute cause to seek Show Cause from the ABC Board" shall be replaced with the language "shall constitute cause to file a complaint with the ABC Board."

The parties have agreed to this modification.

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

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac420b58e96d5f06e4b730093d1dccc9

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 547ac373f020d66ac8d1b32d42249cc

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 258d3fca0fba146d7f4b73bd7917d20d

Bobby Cato, Member

Rema Wahabzadah, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: b580a91845e1f9e4016155e5c12f01cc

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 82172931f0509447491b56f0c2a4189f

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda7f9f0040ec14dad52541cc5

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).



ADVISORY NEIGHBORHOOD COMMISSION 1A

SMD 1A01 – Layla Bonnot
SMD 1A04 – Chris Hall
SMD 1A07 – Mukta Ghorpadey
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 1A09 – Michael Wray
SMD 1A12 – Jason Clock

SETTLEMENT AGREEMENT

THIS AGREEMENT, made and entered into this 10th day of March 2021 by and between TB Cantina LLC, t/a Taco Bell Cantina (the “Applicant”) and ANC 1A (collectively, the “Parties”).

WHEREAS, Applicant has filed application License No.: ABRA-117777 with the District of Columbia Alcohol Beverage Control Board (hereinafter “ABC Board”) for a Retailer’s Class “C” Restaurant license for a restaurant located at 3100 14th Street, N.W., Washington, D.C. (hereinafter the “Restaurant”);

WHEREAS, in recognition of the ABC Board’s policy of encouraging parties to address neighborhood concerns by negotiating agreements, the Parties hereto being desirous to enter into an agreement whereby Applicant will agree to adopt certain measures to address community concerns and community representatives will agree to support the application of the Retailer’s Class “C” License:

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

1. **Hours of Alcohol Sale.** Applicant has the right, but is not obligated to, sell alcoholic beverages inside premises of the Restaurant, only during the hours:

Sunday through Thursday 8:00 AM – 2:00 AM
Friday through Saturday 8:00 AM – 3:00 AM

Applicant shall offer food to its patrons at all times it is open. No alcoholic beverages shall be sold to patrons who are purchasing food for takeout or delivery services without application or approval by ABRA or as is permissible by DC Law. On special occasions, such as daylight savings time, or during inaugurations, the Restaurant may stay open later as is permissible by DC law or ABRA.

2. **Loitering.** Applicant shall take reasonable measures to ensure that its patrons do not loiter in front of or in the vicinity of the Restaurant.
3. **Public Space and Trash.** Applicant shall keep the sidewalk occupied by its public space and immediately adjacent areas of the Premises reasonably clean and free of litter, bottles, and other debris in compliance with D.C. Code and Municipal Regulations. Applicant shall monitor these areas sufficiently to assure that refuse and other materials are promptly removed.

- 4 **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 ABC Board. Applicant shall have the Premises and the area around the Premises properly cleaned at the end of each night to ensure that there is no garbage and odors present the following morning.
- 5 **Notice and Opportunity to Cure.** In the event that any of the parties are 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, upon receiving notice, the noticed party will have thirty (30) calendar days to cure. Failure to cure within thirty (30) calendar days (or, with respect to a breach which reasonably requires more than thirty days to cure, fails to commence cure of such breach and diligently pursue such cure) shall constitute a cause for seeking a Show Cause Order from the ABC Board pursuant to D.C. Official Code § 25-447. Any notices required to be made under this Agreements shall be in writing and mailed via certified mail, return receipt requested, postage prepaid, or hand delivered, to the respective parties at their business address. Notice shall be deemed given as of the time of receipt or refusal of receipt.
- 6 **Binding Effect:** This Agreement shall be binding upon and enforceable against the successors and assigns of the Applicant during the term of the license to which this Agreement applies.
- 7 **Modification:** This Agreement can be modified only by mutual agreement of the parties with the approval of the ABC Board for acceptance and enforcement.

WHEREFORE, by signing of duly-authorized representatives for the Applicant and ANC 1A, Applicant hereby agrees to the aforementioned covenants and the ANC requests that this Agreement be incorporated into the ABC Board’s order issuing a Class “C” License.

If to Applicant:
TB Cantina LLC
c/o Flaherty & O’Hara, P.C.
610 Smithfield Street, Suite 300
Pittsburgh, PA 15222
Attn: Tom Henry, Esquire
(412) 456-2127

If to Protestants:
Advisory Neighborhood Commissions 1A
3400 11th Street, NW
Washington, DC 20010
Attn: Christine Miller, Commissioner
(202) 670-7046

TB Cantina LLC
By: Taco Bell Cantina Corp., Sole Member

DocuSigned by:
By: Matthew Shaw
Matthew Shaw, President

ANC 1A

Signature: _____



Christine Miller
ANC 1A05

Certification:

At a regularly scheduled and publicly noticed meeting held on March 10, 2021 Advisory
Neighborhood Commission 1A considered the above resolution. With a quorum of 11
Commissioners present, the Commission voted with 11 yeas, 0 nos, and 0 abstentions to adopt
the above resolution.

X



Kent Boese
Chairperson, ANC 1A

X



Zach Rybarczyk
Secretary, ANC 1A