

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

In the Matter of:

Juanita's, Inc.

t/a Juanita's Restaurant

Application for Renewal of a
Retailer's Class CT License

at premises

3521 14th Street, N.W.

Washington, D.C. 20010

Case No.: 16-PRO-00103

License No.: ABRA-091432

Order No.: 2017-066

Juanita's, Inc., t/a Juanita's Restaurant (Applicant)

Kent C. Boese, Chairperson, Advisory Neighborhood Commission (ANC) 1A

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Mafara Hobson, Member
Jake Perry, Member

**ORDER ON SETTLEMENT AGREEMENT AND
WITHDRAWAL OF ANC 1A'S PROTEST**

The Application filed by Juanita's, Inc., t/a Juanita's Restaurant (Applicant), for renewal of its Retailer's Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on November 7, 2016, in accordance with D.C. Official Code § 25-601 (2001).

The Applicant and ANC 1A entered into a Settlement Agreement (Agreement), dated January 26, 2017, 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 Chairperson Kent C. Boese, on behalf of ANC 1A, are signatories to the Settlement.

This Agreement constitutes a withdrawal of the Protest filed by ANC 1A of this Application.

Accordingly, it is this 8th day of February, 2017, **ORDERED** that:

1. The Application filed by Juanita's, Inc., t/a Juanita's Restaurant, for renewal of its Retailer's Class CT License, located at 3521 14th Street, N.W., Washington, D.C., is **GRANTED**;
2. The Protest of ANC 1A in this matter is hereby **WITHDRAWN**;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 modifications:

Section 6 – This Section shall be modified to read as follows: “Applicant will ensure that all trash is removed from the front of its establishment to the curb side at closing and prior to opening, in accordance with D.C. Official Code § 25-726.”

Section 11 – This Section shall be modified to read as follows: “The parties agree that if reasonable discussions of violations are not resolved, than any failure of the Applicant to adhere to foregoing commitments would constitute a breach of this agreement and provide grounds for the Advisory Neighborhood Commission and SMD to file a complaint with the Board in accordance with D.C. Official Code § 25-447.”

The parties have agreed to these modifications.

4. This Settlement Agreement replaces and supersedes other previous Settlement Agreements between the parties; and
5. Copies of this Order shall be sent to the Applicant and ANC 1A.

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



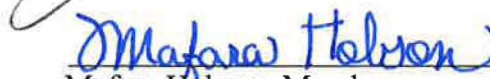
Nick Alberti, Member



Mike Silverstein, Member



James Short, Member



Mafara Hobson, Member

Jake Perry, 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 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).



1A ADVISORY NEIGHBORHOOD COMMISSION 1A

SMD 1A01 – Valerie Baron
SMD 1A04 – Sadaf Mortezaei
SMD 1A07 – Sharon Farmer
SMD 1A10 – Rashida Brown

SMD 1A02 – Vickey A. Wright-Smith
SMD 1A05 – Christine Miller
SMD 1A08 – Kent C. Boese
SMD 1A11 – Dotti Love Wade

SMD 1A03 – Zachary Rybarczyk
SMD 1A06 – Richard DuBeshter
SMD 1A09 – Bobby Holmes
SMD 1A12 – Margaret Hundley

VOLUNTARY AGREEMENT

THIS AGREEMENT ("Agreement") made and entered into this 26 day of January, 2017, by and between Juanita's, Inc. t/a Juanita's Restaurant ("Applicant") and Advisory Neighborhood Commission 1A ("Protestant") (collectively, the "Parties") on behalf of the community of Single Member District 1A-04 ("SMD").

Applicant, having filed an application with the District of Columbia Alcoholic Beverage Control Board ("Board") for renewal of a Class "CR" license for the premises at 3521 14th Street NW, Washington, DC 200010, which appears before the Board in case ABRA-091432.

In consideration of the mutual covenants and undertakings memorialized herein, the parties agree as follows:

1. All due diligence will be made by the Applicant to ensure there is no loitering in front of or in the vicinity of its establishment, especially loud cursing, public drunkenness, fighting, and other acts of aggression.
2. Applicant shall open its doors to receive patrons on Sunday through Thursday from no earlier than 7:00am until 2:00am, and from 7:00 am until 3:00 am on Friday and Saturday. Alcoholic beverages may not be served before 8:00 am on any of the days specified. The Applicant's hours of operation and selling alcohol on their sidewalk café shall be as follows:
 - a. Sunday through Thursday 10:00 am – 10:00 pm
 - b. Friday and Saturday 10:00 am – 11:00 pmOn special occasions, to include holidays, the establishment may stay open later if permissible by D.C. law or ABRA.
3. Live entertainment shall be allowed on Thursday from 7:00 pm until 2:00 am, on Friday and Saturday from 7:00 pm until 2:45 am, and on Sunday from 7:00pm until 11:00 pm.
4. There shall be no loud music performed in the establishment. Sound emanating from any part of the establishment shall not be audible in residential structures in the vicinity of, or on the sidewalks across the street from and adjacent to the café. The Applicant's operation shall be at all times in compliance with the DC Noise Control Act. Applicant will encourage, to the best of its ability, employees and patrons, by posted signs or other printed notation (easily visible to the naked eye on the exterior and interior of the premises), to be considerate of residents in the neighborhood after departing the premises, by keeping conversations and other noises at a level that will not disturb the peace, order, quiet, and tranquility of residents in the enjoyment of their homes or generate a noise

Advisory Neighborhood Commission 1A
3400 11th Street NW #200
Washington, DC 20010

complaint. In addition, Applicant agrees to install effective and industry-standard sound dampening on its southern party wall. Applicant additionally agrees to move all speakers off of the southern party wall.

5. Applicant will maintain regular trash/garbage removal service (number of times per week to be determined by owner and business necessity). Applicant will provide for the proper removal of grease and oils and will not deposit these substances in any dumpster or garbage receptacle. In addition, Applicant agrees to contract a professional service to inspect his grease filter and ensure that all filters are clean and in working condition. Applicant additionally agrees to monitor its rear premises for grease issues on a regular basis going forward.
6. Applicant will maintain free of trash and litter the public space to a minimum distance of 18 feet from the curb, adjacent to the front and sides of the premises, in compliance with applicable D.C. Regulations in this respect, as often as needed.
7. Applicant will comply in all respects with the requirements of its license or other requirements of the law, including maintain the appropriate ration between food service and liquor sales (45 percent liquor sales and 55 percent food sales or that ration mandated by District Regulations pursuant to the particular license requested herein). The Applicant shall refuse to sell alcohol to legally underage persons and refuse to sell alcohol to inebriated patrons.
8. No patron shall be allowed ingress or egress at any location except at the designated building's entrances except where this event may occur at the designated emergency exits.
9. Applicant will not place any items outside the building without proper licensing and notification.
10. Applicant will make its best effort to recruit, hire, and maintain employees from the Columbia Heights neighborhood.
11. The parties agree that if reasonable discussions of violations are not resolved, than any failure of the Applicant to adhere to foregoing commitments would constitute a breach of this agreement and provide grounds for the Advisory Neighborhood Commission and SMD to petition the Board for issuance of an order to Show Cause, as provided by D.C. Regulations.

The undersigned parties acknowledge their agreement by placing their signatures, this 26 day of January 2017.

If to Applicant:
Juanita's, Inc. t/a Juanita's Restaurant
3521 14th Street, NW
Washington, DC

If to Protestants:
Advisory Neighborhood Commissions 1A
3400 11th Street, NW
Washington, DC

Advisory Neighborhood Commission 1A
3400 11th Street NW #200
Washington, DC 20010

Attn: Cesar Burnca
(202) 450-5059

Attn: Kent Boese, Chairman
(202) 944-8111

JUANITA'S INC.

Signature: [Signature]

Print Name: Cesar Burnca

ANC IA

Signature: [Signature]

Print Name: Kent C. Boese