

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

In the Matter of:)
)
Ima Pizza Store 11, LLC)
t/a & Pizza)
)
Applicant for a New)
Retailer's Class CR License)
)
at premises)
405 8th Street, S.E.)
Washington, D.C. 20003)
_____)

License No. ABRA-099123
Order No. 2015-362

Ima Pizza Store 11, LLC, t/a & Pizza (Applicant)

Kirsten Oldenburg, Chairperson, Advisory Neighborhood Commission (ANC) 6B

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

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Ima Pizza Store 11, LLC, t/a & Pizza, Applicant for a new Retailer's Class CR License, located at 405 8th Street, S.E., Washington, D.C., and ANC 6B have entered into a Settlement Agreement (Agreement), dated June 9, 2015, 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 Kirsten Oldenburg, on behalf of ANC 6B, are signatories to the Agreement.

Accordingly, it is this 22nd day of July, 2015, **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 2 (Nature of the Business) – The following language shall be removed:
“...will not without the ANC 6B's agreement...”

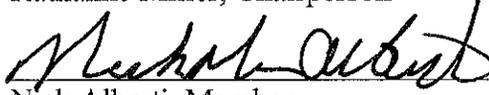
The parties have agreed to this modification.

2. Copies of this Order shall be sent to the Applicant and ANC 6B.

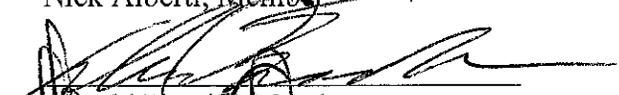
District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member

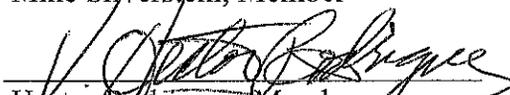


Donald Brooks, Member

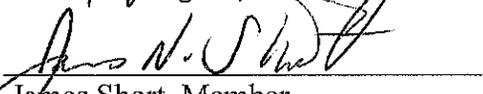


Herman Jones, Member

Mike Silverstein, Member



Hector Rodriguez, Member



James Short, Member

Pursuant to D.C. Official Code § 25-433, any party adversely affected 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).

SETTLEMENT AGREEMENT BY AND BETWEEN
ADVISORY NEIGHBORHOOD COMMISSION 6B
and
Ima Pizza Store 11, LLC
d/b/a &pizza

Pursuant to this Settlement Agreement, ("Agreement"), by and between Ima Pizza Store 11, LLC (d/b/a &pizza) ("Applicant") and Advisory Neighborhood Commission 6B ("ANC6B"), effective as of the date of its adoption by ANC6B, the parties hereto hereby agree to be legally bound by the terms and conditions of this Agreement, superseding and replacing all previous agreements with respect to Applicant as it relates to its application for a Class "CR" License (ABRA-099123) ("License"), now pending before the District of Columbia Alcoholic Beverage Regulatory Administration ("ABRA"), for conduct of business located at 408-8th Street SE, Washington, DC 20003 ("Premises").

WHEREAS Applicant has applied before ABRA to effect, and is seeking its approval of, a new License for the Premises; and

WHEREAS Applicant and ANC6B wish to voluntarily and mutually memorialize the terms and conditions upon which ANC6B has agreed to support the Applicant's License, pursuant to the provisions of D.C. Code § 25-446, for the operation and maintenance of Applicant's business in such a manner as to further promote the security, sanitation, peace, order and quiet of the neighborhood in a manner that ANC6B deems to be in the best interests of the neighborhood; and

WHEREAS ANC6B hereby supports the Applicant's License upon the agreement of Applicant to execute and abide by the terms and conditions hereof;

It is THEREFORE AGREED AND RESOLVED as follows:

1. Recitals Incorporated. The recitals set forth above are incorporated herein by reference.
2. Nature of the Business. The Applicant will manage and operate at the Premises its CR license as a quick-service restaurant ("Establishment"). The Applicant currently seeks, and will not without the ANC6B's agreement seek to increase, total seating for more than 41 patrons, nor total occupancy load for more than 46. In no event shall Applicant operate or seek to operate the Establishment in excess of the maximum number of patrons that may lawfully occupy the Premises pursuant to its Certificate of Occupancy.
3. Hours of Operation and Sales. The Applicant's hours of operation and alcoholic beverage sales may be changed from time to time in Applicant's discretion, as may be otherwise permitted by its License, but in no event shall exceed or extend beyond the following:

Sunday through Wednesday: 10:00 a.m. – 11:00 p.m. (alcohol sales)
10:00 a.m. - 11:00 p.m. (operations)

Thursday:	10:00 a.m. – 12:00 midnight (alcohol sales) 10:00 a.m. – 12:00 midnight (operations)
Friday and Saturday:	10:00 a.m. – 2:00 a.m. (alcohol sales) 10:00 a.m. - 2:00 a.m. (operations)

4. Refuse Storage and Disposal. Applicant shall construct, maintain, and exclusively utilize interior space within the Premises to store all grease, recyclable trash, and non-recyclable trash (garbage), with direct access to the interior trash storage area from the dining, hallway, and/or kitchen area of the Premises.

Applicant shall not utilize any exterior point of access to the interior trash storage area for purposes of depositing grease, recyclable trash or non-recyclable trash in the interior storage area and shall maintain the exterior doors in a closed and secured position except as reasonably required for regularly-scheduled garbage, recyclable, and grease pick up by third-party vendors.

All receptacles used for garbage, recyclables, and grease shall be maintained in good repair, safe and sanitary condition.

Garbage shall be collected a minimum of six days per week and recycling a minimum of five days per week (or such more frequent schedules as may be reasonably necessary to prevent the receptacles from exceeding their capacity), and applicant shall adhere to the following conditions:

- a. Garbage, recyclable, and grease collections shall not occur before 7:00 a.m. or after 10:00 pm;
- b. The Applicant shall provide the garbage and recycling companies with keys to the trash enclosures or otherwise ensure direct access for purposes of removing refuse from the indoor storage area;
- c. All receptacles shall be kept within the trash enclosure only, unless being hauled to or from sanitation trucks;
- d. All receptacles shall be secured with lids (as per their design), including while within the trash enclosure and while being hauled to and from sanitation trucks. Exterior doors to the trash enclosure shall remain closed unless refuse is being hauled to sanitation trucks;
- e. Garbage, recyclables, and grease shall be placed within receptacles that are in the trash enclosure only;
- f. Garbage and recycling spills shall be cleaned up as they occur;
- g. Daily, prior to opening, the Applicant shall ensure that no debris was left within the breezeway and that the trash enclosure doors are properly shut and secure;
- h. The applicant shall power wash the trash enclosure, receptacles, and the breezeway weekly or more often in order to prevent food or grease film on the floor of the enclosure, the receptacles, and the breezeway; and,
- i. The Applicant shall cooperate and permit inspection of the Premises, including but not limited to the indoor trash storage area, as may be reasonably requested by any District of Columbia governmental entity.

5. Noise, Odor and Emission Control. To the maximum extent practicable, no loud noises, objectionable sounds, foul odors, or other conditions shall be created or permitted by Applicant to be publicly observable or emitted beyond the immediate proximity of the Premises. Applicant specifically agrees that it shall adhere to and be accountable under the provisions of D.C. Code §25-725 as it pertains to residential dwellings in the contiguous physical block on which the Premises are located (except for those residential dwellings located within the CHC/C2A overlay), notwithstanding the fact that such neighboring residential units may not fall within the zoning classification otherwise entitled to enforcement of that provision under D.C. Code §25-725(b)(3).

6. Specific Methods of Refuse and Emission Containment and Odor and Noise Abatement. As a clarification and expansion of the preceding provisions, and not as a limitation thereto, Applicant shall install, continuously maintain, and exclusively utilize at the Premises the following systems and practices:

- a. Vent-less oven systems for the preparation of food and vent-less hood systems over each oven and food preparation area;
- b. No vents (excluding bathroom vents) on the roof or at the rear of the Premises;
- c. No outdoor seating of any nature whatsoever either adjacent to, within, on the roof of, or in proximity to the Establishment;
- d. Exterior HVAC components that are located exclusively on the roof and that include sufficient soundproofing and noise reduction technology (comparable in effectiveness to the noise control system utilized at 413 8th Street, SE) to dampen or eliminate noise, and a condenser/AC unit atop the trash enclosure that is soundproofed to the same standard as that pertaining to the HVAC unit on the roof; (no additional mechanical equipment shall be installed on the roof or at the rear of the property);
- e. A trash compactor and a cardboard baler within the interior trash storage area; and,
- f. An odor control unit for the interior trash storage area.

These methods shall be consistent with and in no way contradict the specifications for the Premises as otherwise detailed in Board of Zoning Adjustment Order No. 18779-A (September 9, 2014)("BZA Order"), a copy of which is attached hereto and incorporated herein by reference. The obligations of Applicant to comply with these provisions pursuant to this Agreement shall not be limited, expire or otherwise be altered by any change, expiration, or modification of the BZA Order.

7. Sanitation and Pest Control. Applicant shall maintain in force a contract for regular and recurring application of a plan for pest control that includes baiting or similar rodent abatement procedures abutting the rear entrance to the Premises (including the trash storage room). Applicant shall not store or place any kegs, bottles, foodstuffs, pallets of materials, or other consumable goods of any type outside the Premises. Any leak or spillage of grease shall be promptly cleaned utilizing standard industry practices such as solvents and power washing for such uncontained grease, and any damaged or leaking containers shall be promptly repaired or replaced.



ANC 6B
Capitol Hill / Southeast

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Executive Director
Susan Eads Role

OFFICERS

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Kirsten Oldenburg

Vice-Chair
Brian Flahaven

Secretary
Daniel Chao

Treasurer
Diane Hoskins

Parliamentarian
Denise Krepp

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SMD 2 *Diane Hoskins*
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SMD 8 *Chander Jayaraman*
SMD 9 *Brian Flahaven*
SMD 10 *Denise Krepp*

June 11, 2015

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

VIA E-MAIL: janea.raines@dc.gov

RE: ABRA-099123, & pizza, 405 8th Street SE, new license

Dear Ms. Miller:

At its regularly called, properly noticed meeting on June 9, 2015, with a quorum present, Advisory Neighborhood Commission 6B (ANC 6B) voted 9-0 to support the above-referenced request.

For your review and approval, please find enclosed a Settlement Amendment, which was executed by both parties.

Please contact Commissioner Chander Jayaraman, ANC 6B's Alcohol Beverage Control Committee Chair, at 202-546-2609 or chander6b08@anc6b.org if you have questions or need further information. Thank you.

Sincerely,



Kirsten Oldenburg
Chair

Enclosure