

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

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In the Matter of:)
)
Bayou Bakery on the Hill, LLC)
t/a Bayou Bakery on the Hill)
)
Holder of a)
Retailer's Class CR License)
)
at premises)
921 Pennsylvania Avenue, S.E.)
Washington, D.C. 20003)
)
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License No. ABRA-096910
Order No. 2014-503

Bayou Bakery on the Hill, LLC, t/a Bayou Bakery on the Hill (Licensee)

Brian Flahaven, 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

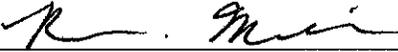
The official records of the Alcoholic Beverage Control Board (Board) reflect that Bayou Bakery on the Hill, LLC, t/a Bayou Bakery on the Hill, (Licensee), and ANC 6B have entered into a Settlement Agreement (Agreement), dated November 12, 2014, that governs the operation of the Licensee's establishment.

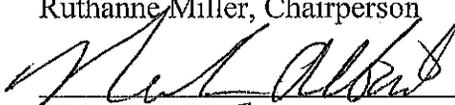
The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Brian Flahaven, on behalf of ANC 6B, are signatories to the Agreement.

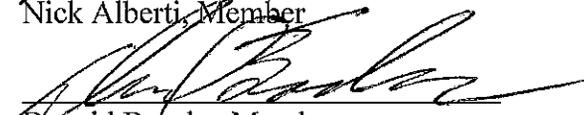
Accordingly, it is this 3rd day of December, 2014, **ORDERED** that:

1. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. This Settlement Agreement replaces and supersedes previous Settlement Agreements between the parties; and
3. Copies of this Order shall be sent to the Licensee and ANC 6B.

District of Columbia
Alcoholic Beverage Control Board


Ruthanne Miller, Chairperson

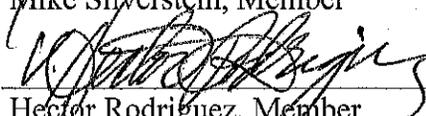

Nick Alberti, Member


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

THIS SETTLEMENT AGREEMENT ("Agreement") is made on this 12 th day of ~~Nov~~ 2014 by and between Bayou Bakery on the Hill ("Applicant"), and Advisory Neighborhood Commission 6B, (Collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant's application for a license for premises, 921 Pennsylvania Avenue SE, Washington, DC, 20003, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC, and,

WHEREAS, the Parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "C" Restaurant Liquor License at the subject premises; and,

WHEREAS, the Parties are desirous of entering into a Settlement Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to promote the peace, order and quiet of the neighborhood. Both parties recognize the importance of business neighborhoods that are safe, clean, and "pedestrian friendly".

NOW, THEREFORE, the parties agree as follows:

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. **Nature of the Business.** . The Applicant shall manage and operate at the address a place that is regularly used for the sale and service of prepared food and alcoholic beverages.
3. **Hours of Operation and Sales.** The Applicant's hours of operation shall be as follows:

Inside and Summer Garden Services
Monday through Friday 6:30 AM to 11:00 PM
Saturday 7:00 AM to 11:00 PM
Sunday 7:00 AM to 9:00 PM

Entertainment Endorsement

Monday through Friday 6 PM to 9 PM
Saturday Noon to 10 PM
Sunday Noon- 9 PM

Provided that: (a) on days designated by the ABC Board as "Extended Hours for ABC Establishments" Applicant may operate (including sale and consumption) for one hour later than the hours listed above; (b) in the event that the Council of the District of Columbia or the ABC Board grants licensees in general extended operating hours (such as for the Inauguration), Applicant may avail itself of such extended hours; and (c) on January 1 of each year, Applicant may operate (including sale and consumption) until 3:00 a.m.

4. **Floors Utilized and Occupancy.** The Applicant will operate its establishment according to the occupancy indicated on the Certificate of Occupancy issued by the Department of Consumer and Regulatory Affairs.
5. **Music and Entertainment.** Applicant shall manage all the live entertainment, music, and recorded music such that it is not audible in any residence.
6. **Noise, Odor, and Privacy.** Applicant will strictly comply with D.C. Official Code § 25-725, which may include the need to make architectural improvements to the property. Applicant agrees to keep its doors closed when music is being played inside the establishment but may open its window panels during such times, provided that the music is not audible beyond the street curbside. If necessary, Applicant will take reasonable steps necessary to reduce noise emanating from the opening of entry or exit doors. Applicant will take all reasonable steps to strictly comply with D.C. Regulations concerning noise emanating from the establishment's mechanical equipment.

Environmental. Applicant will use best efforts to modify and improve its CaptiveAir hood and filter configuration for frying and grilling to provide upgraded performance in reducing odor and emissions within the space limitations of the building and current equipment size specifications.

Mechanical Noise Control. Applicant will ensure that motors, fans, HVAC and other mechanical units that perforate or are outside the walls of the building meet the standards of DCMAR Title 20 Section 2701 to the full extent it is applicable.

7. **Public Space and Trash.**
 - a. Applicant shall keep its entire property and the sidewalk (up to and including the curb), tree box(es), curb, and alley clean and free of litter, bottles, and other debris in compliance with D.C. Code and Municipal Regulations. Applicant shall police these areas sufficiently to assure that refuse and other materials are promptly removed.

b. Applicant will maintain the best operational and management standards for trash disposal utilizing, in a partnership with the Hill Center, the external and dedicated trash disposal and pick-up area which is enclosed and gated. This will include daily pick-up of trash and increased pick-up as necessary; ongoing inspection and monitoring of the external facility to consider enclosure improvements to prevent leakage and rat penetration; utilizing the best available containers for trash and food waste by type; rigorous training of staff; internal enforcement of staff standards and practices; final clean-up nightly in coordination with the Hill Center, and full participation in neighborhood rat measures and campaigns. Applicant will also work with Hill Center to assess how the existing containment structure for trash can be improved within the historic standards that applied to its original and any further approvals required. Applicant will also seek to obtain approval for grease storage within the carriage house in an existing janitor's closet with the caveat that that fire, health and food service, and other regulatory standards may affect approval. In any case, grease storage until pick-up, whether interior or exterior, will be secure and subject to regular pick-up for recycling.

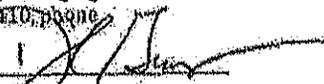
c. Applicant will ensure that trash and recycling are picked up daily.

d. Commercial trash pickup in residential areas takes place between 7 a.m.-7 p.m. Applicant shall not allow for its trash or recycling to be picked up outside of those hours. Applicant will endeavor to assure that commercial deliveries arrive between 7 a.m. and 7 p.m. and that large delivery vehicles do not use residential E Street SE to access the establishment.

8. ***Rats and Vermin Control.*** The Applicant shall provide rat and vermin control for its property. Applicant shall have the Establishment and the area around the Premises properly cleaned at the end of each night to ensure that there are no garbage and odors present the following morning.
9. ***Security Cooperation in Stemming Criminal Activity and Public Drinking.*** Applicant agrees that it shall take all reasonable steps to minimize such problems, including, without limitation, providing a sufficient number of employees to assure adequate security and to control unruly patrons, whether inside or in the immediate outside area; monitoring for and prohibiting criminal activity within or about the Premises, maintaining contact and cooperating with MPD and other enforcement officials when known or suspected drug activities occur. Applicant shall to the full extent permissible by law discourage loitering in the vicinity of the Premises.
10. ***Modification of previous Agreement.*** Except as otherwise explicitly provided herein, this Agreement shall have full force effect and shall constitute the agreement between the parties. This agreement may only be modified by written agreement of all the parties or their successors, or otherwise in accordance with law.

Applicant:

Bayou Bakery on the Hill LLC, t/a Bayou Bakery on the Hill
ABRA# 096910
921 Pennsylvania Avenue SE (address)
Washington, DC 20003
David Guas, Managing Member
703-243-2610 phone

Signature: 

Date: 11.19.2014

Advisory Neighborhood Commission 6B
Washington, DC 20003
Brian Flahaven, Chairperson
(202) 543-3344
Fax (202) 543-3507

Signature: 

Date: 11/20/14