

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

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In the Matter of:)
)
Boxcar Partners, LLC)
t/a Boxcar Tavern)
)
Holder of a)
Retailer's Class CR License)
)
at premises)
224 7th Street, SE)
Washington, D.C. 20003)
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License No.: ABRA-098813
Order No.: 2019-443

Boxcar Partners, LLC , t/a Boxcar Tavern (Licensee)

Chander Jayaraman, Chairperson, Advisory Neighborhood Commission (ANC) 6B

BEFORE: Donovan Anderson, Chairperson
Mike Silverstein, Member
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member

ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT

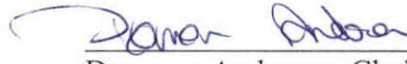
The official records of the Alcoholic Beverage Control Board (Board) reflect that Boxcar Partners, LLC , t/a Boxcar Tavern (Licensee), and ANC 6B have entered into a Settlement Agreement (Agreement), dated May 10, 2016, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), signed on May 14, 2019, 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 and Chairperson Chander Jayaraman, on behalf of ANC 6B, are signatories to the Amendment.

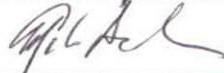
Accordingly, it is this 22nd day of May, 2019, **ORDERED** that:

1. The above-referenced Amendment to 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. All terms and conditions of the original Settlement 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 and ANC 6B.

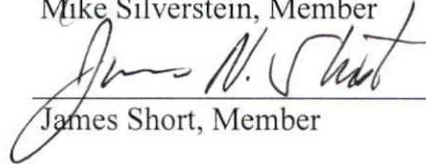
District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson

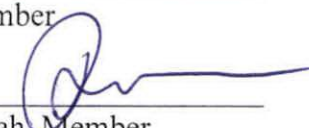


Mike Silverstein, Member



James Short, Member

Bobby Cato, Member



Rema Wahabzadah, Member

Pursuant to 23 DCMR § 1902.6, if the requestor disagrees with the Board's advisory opinion in any respect, he or she may, within twenty (20) calendar days after issuance of the opinion file a petition with the Board in writing to reconsider its opinion, setting forth in detail the reasons and legal argument which support the requestor's points of disagreement, or may request the Board to issue a declaratory order, pursuant to § 1903. Advisory opinions of the Board may not form the basis of an appeal to any court in the District of Columbia.

**AMENDMENT TO THE SETTLEMENT AGREEMENT BY AND BETWEEN
ADVISORY NEIGHBORHOOD COMMISSION 6B
and
Boxcar Partners, LLC, d/b/a Boxcar Tavern**

Pursuant to this Amendment to the Settlement Agreement, (“Amendment”), by and between Boxcar Partners, LLC, d/b/a Boxcar Tavern (“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 the existing Settlement Agreement (SA) and this Amendment as it relates to the operation of Applicant’s business located at 224 7th Street, SE, Washington, DC 20003 (“Premises”)

WHEREAS, Applicant and ANC6B are desirous of voluntarily entering into and to mutually memorialize in this Amendment to the existing SA, pursuant to the provisions of D.C. Code § 25-446, the terms and conditions upon which ANC6B has agreed to support the renewal of Applicant’s ABRA license. The Amendment to the SA aims to address community concerns regarding the operation and maintenance of Applicant’s business with modifications to the trash management, clean up, and trash pickup sections of the SA.

NOW, THEREFORE, Applicant and ANC 6B agree, as follows:

1. Recitals Incorporated. The recitals set forth above are incorporated herein by reference.
2. Changes to the existing Settlement Agreement:
 - a. Section 3, replace “Hours of Operation and Sales.” with “Hours of Operation, Sale, Service, and Consumption.”
 - b. Section 5 (Refuse Storage and Disposal), the last sentence in the second paragraph, replace the word “interior” with “the trash storage area”
 - c. Section 5 (Refuse Storage and Disposal), the third paragraph shall be modified to read as follows: “Applicant agrees to adhere to the following conditions with respect to trash management, disposal, and the sanitary maintenance of the exterior trash storage area:”
 - d. Section 5 (Refuse Storage and Disposal), Subpart l. Add the following as the second sentence: “Applicant agrees to power wash the trash storage area no less than two times per week, weather permitting, between May 1 and September 31 of each year using a commercially available degreaser / cleaner such as Simple Green.”
 - e. Section 5 (Refuse Storage and Disposal), Subpart m., shall be modified to read as follows: “Applicant shall use its best efforts to insist that commercial trash and recycling vendors collect garbage and recycling between the hours of 7 a.m. - 7 p.m. from Monday – Saturday and no earlier than 8 a.m. on Sundays. Applicant shall include such instructions on agreements or invoices for trash removal.”

- f. Section 8 (Sanitation and Pest Control), add the following as the last sentence in this section: "Applicant agrees to address any drainage or water issues from the roof of the premises."
 - g. Add a new Section 12 as follows:
Notice and Opportunity to Cure. In the event that any of the parties is in breach of their SA, it shall be entitled to reasonable notice and opportunity to cure, as a condition precedent to seeking enforcement of the SA. Unless the breach is of an emergency nature or is a repetition of a prior breach, reasonable notice and opportunity shall be provided for a cure within 10 calendar days of the date of such notice. If Applicant refuses or fails to commence the cure or diligently to pursue such cure within the 10 day period (or a breach which reasonably requires more than 10 days to cure), such refusal or failure shall constitute a cause for filing a complaint with the ABRA Board pursuant to D.C. Code § 25-447.
3. Agreement Otherwise in Full Force and Effect. Except as otherwise explicitly provided herein, the terms of the existing SA shall remain in full force and effect, and the SA and this Amendment shall constitute the agreement between the parties. This Amendment or the SA may only be modified by written agreement of all the parties or their successors, or otherwise in accordance with law.

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.

Applicant:

Andrea Gentile, Owner
 Boxcar Partners, LLC, d/b/a Boxcar Tavern
 ABRA# 098813
 224 7th Street, SE
 Washington DC 20003
 Andi.gentile@gmail.com

Signature  Date: May 14, 2019

ANC:

Advisory Neighborhood Commission 6B
 921 Pennsylvania Avenue SE
 Washington DC 20003

Signature  Date: May 14, 2019
 Chairperson, ANC6B

ANC 6B

Capitol Hill / Southeast

May 15, 2019

921 Pennsylvania Avenue SE
Washington, DC 20003-2141
6b@anc.dc.gov

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SMD 09 Kasie Clark
SMD 10 Denise Krepp

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

VIA E-MAIL: abra.legal@dc.gov

RE: ABRA-098813; Boxcar Partners, LLC d/b/a Boxcar Tavern; 224 7TH ST SE;
Class "CR" Restaurant License Renewal; Amendment to modify existing Settlement
Agreement (SA).

Dear Chairman Anderson:

At its regularly scheduled, properly noticed, meeting on May 14, 2019, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 10-0-0 to recommend that the ABC Board approve the renewal of the alcohol license for the establishment referenced above and adopt the attached Amendment to the existing Settlement Agreement (SA). It is the intent of the Commission that all other sections of the existing SA remain in full force and effect.

Please contact Commissioner Chander Jayaraman, ANC 6B's Alcohol Beverage Control Committee Chair, at 202-546-2609 or 6b08@anc.dc.gov if you have questions or need further information. Thank you.

Sincerely,



Chander Jayaraman
Chairman, ANC 6B

cc: via e-mail

Applicant: Andrea Gentile
SMD Commissioner: Jerry Sroufe