

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

_____)	
In the Matter of:)	
)	
La Morenita Restaurant, LLC)	
t/a La Morenita)	
)	
Applicant for a New)	Case No. 11-PRO-00029
Retailer's Class CR License)	License No. ABRA-086595
)	Order No. 2011-361
at premises)	
3539 Georgia Avenue, N.W.)	
Washington, D.C. 20010)	
_____)	

La Morenita Restaurant, LLC, t/a La Morenita (Applicant)

William E. Brown, Chairperson, Advisory Neighborhood Commission (ANC) 1A

BEFORE: Nick Alberti, Interim Chairperson
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

**ORDER ON VOLUNTARY AGREEMENT AND
WITHDRAWAL OF PROTEST**

The official records of the Alcoholic Beverage Control Board (Board) reflect that La Morenita Restaurant, LLC, t/a La Morenita, Applicant for a new Retailer's Class CR License, located at 3539 Georgia Avenue, N.W., Washington, D.C., and ANC 1A have entered into a Voluntary Agreement (Agreement), dated July 13, 2011, 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 William E. Brown and Commissioner Kent Boese, on behalf of ANC 1A, are signatories to the Agreement.

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

La Morenita Restaurant, LLC
t/a La Morenita
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Accordingly, it is this 10th day of August 2011, **ORDERED** that:

1. The Application filed by La Morenita Restaurant, LLC, t/a La Morenita for a new Retailer's Class CR License, located at 3539 Georgia Avenue, N.W., Washington, D.C., is **GRANTED**;
2. The Protest of ANC 1A in this matter is hereby **WITHDRAWN**;
3. The above-referenced Voluntary Agreement submitted by the Applicant and ANC 1A to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED**, except for the following modification:

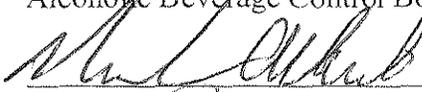
Section 5 (Rats and Vermin Control) – The term "Protestants" shall be replaced with "Board".

The parties have agreed to this modification.

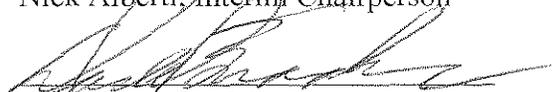
4. Copies of this Order shall be sent to the Applicant and ANC 1A.

La Morenita Restaurant, LLC
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District of Columbia
Alcoholic Beverage Control Board

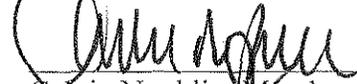


Nick Alberti, Interim Chairperson



Donald Brooks, Member

Herman Jones, Member

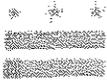


Calvin Nophlin, Member



Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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.



ADVISORY NEIGHBORHOOD COMMISSION 1A

SMD 1A01 - Lisa Kralovic
SMD 1A04 - Betty Pair
SMD 1A07 - Thomas Boisvert
SMD 1A10 - Lenwood O. Johnson

SMD 1A02 - Vickey Wright-Smith
SMD 1A05 - Laina Aquiline
SMD 1A08 - Kent Boese

SMD 1A03 - Sheldon Scott
SMD 1A06 - William Brown
SMD 1A09 - Bobby Holmes
SMD 1A11 - Dotti Love Wade

RESOLUTION OF SUPPORT OF THE STIPULATED LIQUOR LICENSE FOR LA MORENITA RESTAURANT, LLC ABRA-087014

WHEREAS; La Morenita Restaurant LLC (3539 Georgia Avenue, NW) is already in operation as a restaurant and is seeking to add Beer and Wine sales to their operation;

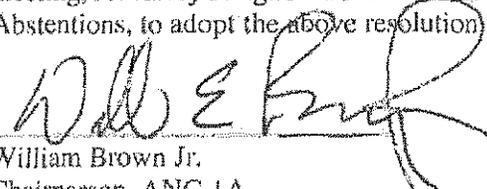
WHEREAS; ANC 1A and La Morenita have successfully negotiated a Voluntary Agreement;

THEREFORE, BE IT RESOLVED; that the ANC 1A withdraws its Protest upon the ABC Board's acceptance of the Voluntary Agreement and Supports a Stipulated License for La Morenita to serve alcohol pending approval of their license.

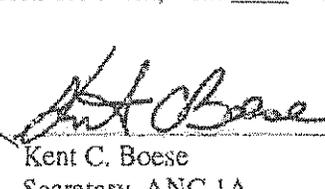
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Certification:

After providing sufficient notice for and with a quorum of 8 present at its July 13, 2011, meeting, Advisory Neighborhood Commission 1A voted, with 8 Yeas, 0 Nos and 0 Abstentions, to adopt the above resolution



William Brown Jr.
Chairperson, ANC 1A



Kent C. Boese
Secretary, ANC 1A

* * *



ADVISORY NEIGHBORHOOD COMMISSION 1A

SMD 1A01 - Lisa Krulovic
SMD 1A04 - Betty Pair
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SMD 1A09 - Bobby Holmes
SMD 1A11 - Dotti Love Wade

VOLUNTARY AGREEMENT

THIS VOLUNTARY AGREEMENT ("Agreement") is made on this 13th day of July 2011 by and between La Morenita Restaurant, LLC t/a La Morenita ("Applicant"), and Advisory Neighborhood Commission 1A ("Protestant"), (collectively, the "Parties").

WHEREAS, Applicant has applied for a License Class CR for a business establishment ("Establishment") located at 3539 Georgia Avenue, N.W., Washington, D.C. ("Premises");

WHEREAS, Protestant is Advisory Neighborhood Commission 1A, who filed a timely protest (the "Protest") against the issuance of the Applicant's license application pursuant to D.C. Official Code § 25-601(1) and 601(4), respectively;

WHEREAS, the Parties have agreed to enter into this Agreement and request that the Alcoholic Beverage Control Board ("ABC Board") approve the Applicant's license application conditioned upon the Applicant's compliance with the terms of this written Agreement; and

WHEREAS, the Parties are desirous of entering into a Voluntary Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to minimize the effect on (i) the peace, order and quiet of the neighborhood and (ii) pedestrian safety and vehicular traffic, and to eliminate the need for a Protest Hearing regarding the license application.

NOW, THEREFORE, in consideration of the recitals set forth above and the mutual covenants and conditions set forth below, the Parties agree as follows:

- Noise Suppression:** Sound emanating from any part of the establishment shall not be audible in residential structures in the vicinity. The Restaurant's operation shall at all times be in compliance with the D.C. Noise Control Act. Applicant will encourage employees and patrons, by posted signs or other printed notation, to be considerate of residents in the neighborhood after departing the building, 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 complaint.

All due diligence shall be made by the Applicant to ensure that there is no loitering in front of or in the vicinity of the Restaurant, especially loud cursing, public drunkenness, fighting and other acts of aggression.

Advisory Neighborhood Commission 1A
1380 Monroe Street NW #103
Washington, DC 20010



ADVISORY NEIGHBORHOOD COMMISSION 1A

SMD 1A01 – Lisa Kratovic
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2. **Hours of Operation and Sales:** The Applicant's hours of operation shall be as follows:

Sunday through Thursday 7:00 a.m.– 2:00 a.m.,
Friday and Saturday 7:00 a.m. – 3:00 a.m.

The Applicant's hours for selling and serving alcohol shall be as follows:

Sunday noon – 1:30 a.m.,
Monday through Thursday 11:00 a.m. – 1:30 a.m.,
Friday and Saturday 11:00 a.m. – 2:30 a.m.

The Applicant shall be allowed to stay open to the maximum allowable hours when the laws governing A.B.C. licensed establishments allows for such (eg. New Years Eve, Inauguration).

3. **Floors Utilized and Occupancy:** The Applicant will operate its establishment on the 1st floor of the building. The Establishment will have no more than are permissible by code and Fire regulations.
4. **Public Space and Trash:** Applicant shall keep 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. Applicant will provide for the proper removal of grease and oils and will not deposit these substances for removal in dumpster. The Applicant agrees to obtain a dumpster to be placed in the rear of the building. Applicant shall ensure that the area around the dumpster is kept clean at all times and the dumpster is placed such that it does not encroach on the abutting property owners and so that no garbage is placed on the abutting property. Applicant will not place any items, including tables and/or chairs, outside the building without proper licensing and notification.
5. **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 Protestants. Applicant shall have the Establishment and the area around the Premises properly cleaned at the end of each night to ensure that there is not garbage and odors present the following morning.



ADVISORY NEIGHBORHOOD COMMISSION 1A

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6. **Notice and Opportunity to Cure:** In the event that any of the parties is 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 or is a repetition of a prior breach, reasonable notice and opportunity shall provide for a cure within 60 days of the date of such notice. If Applicant or the licensee fails to cure within the 60-day period (or, with respect to a breach which reasonably requires more than 60-days to cure, fails to commence cure of such breach and diligently pursues such cure) failure shall constitute a cause for seeking a Show Cause Order from the ABC Board pursuant to D.C. Official Code § 25-447. Unless otherwise noted above, any notices required to be made under this Agreement shall be in writing and mailed via certified mail, return receipt requested, postage prepaid, or hand-delivered, to the other parties to this Agreement at the following addresses. Notice shall be deemed given as of the time of receipt or refusal of receipt:

If to Applicant:

La Morenita LLC
3539 Georgia Avenue, NW
Washington, DC, 20010
Attn: Du Bois V. Cox
(202) 438-1520
Fax (202) 320-1696

If to Protestants:

Advisory Neighborhood Commission 1A
1380 Monroe Street, NW, #103
Washington, DC, 20010
Attn: Bill Brown, Chairman
202-643-1206

Failure to give notice shall not constitute waiver or acquiescence to the violation, but notice shall be a prerequisite to the filing of a complaint with the ABC Board or any other enforcement action.

7. **Binding Effect:** This Voluntary Agreement shall be binding upon and enforceable against the successors and assigns of Applicant during the term of the license to which this Voluntary Agreement applies.
8. **Withdrawal of Protest.** Upon execution of this Agreement by the Parties and its acceptance by the ABC Board, Protestants shall withdraw the Protest and move forward with a Letter of Support for a Stipulated License.

* * *



ADVISORY NEIGHBORHOOD COMMISSION 1A

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SMD 1A06 – William Brown
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SMD 1A11 – Dotti Love Wade

PROTESTANT:

Chairman, ANC 1A

Commissioner ANC 1A08

APPLICANT:

La Morenita, LLC
T/A La Morenita

By: Printed Name/ Title