

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

_____)	
In the Matter of:)	
)	
La Plaza, Inc.)	
t/a La Plaza Mexican Restaurant)	
)	License No. ABRA-060614
Holder of a)	Order No. 2016-343
Retailer's Class CR License)	
)	
at premises)	
629 Pennsylvania Avenue, S.E.)	
Washington, D.C. 20003)	
_____)	

La Plaza, Inc., t/a La Plaza Mexican Restaurant (Licensee)

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

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that La Plaza, Inc., t/a La Plaza Mexican Restaurant (Licensee), located at 629 Pennsylvania Avenue, S.E., Washington, D.C. and ANC 6B entered into a Settlement Agreement (Agreement), dated May 14, 2013, that governs the operation of the Licensee's establishment.

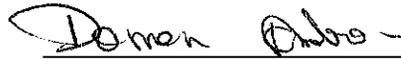
This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated May 10, 2016, in accordance with D.C. Official Code § 25-446 (2001).

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

Accordingly, it is this 25th day of May, 2016, **ORDERED** that:

1. The above-referenced Amendment to Settlement Agreement, dated May 10, 2016, 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



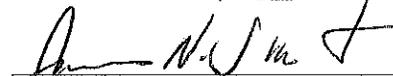
Donovan Anderson, Chairperson

Nick Alberti, Member

Mike Silverstein, Member



Ruthanne Miller, Member



James Short, 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).

AMENDMENT TO SETTLEMENT AGREEMENT

This amendment to Settlement Agreement (“Amendment”) is made this 10th day of May, 2016 by and between La Plaza, Inc. d/b/a La Plaza Mexican Restaurant (“Applicant”) and Advisory Neighborhood Commission 6B (“ANC6B”).

WITNESSETH

WHEREAS, ANC6B and Applicant previously entered into a Settlement Agreement dated May 14, 2013 which agreement was approved by the Alcoholic Beverage Control Board (“ABC Board”) by Order dated January 8, 2014 (“Agreement”);

WHEREAS, Applicant as the current holder of the License, is bound by the terms of the Agreement;

WHEREAS, the Agreement, section 7 addresses “Public Space and Trash”;

WHEREAS, the ANC6B and Applicant seek to amend the Agreement in the manner hereinafter provided;

NOW, THEREFORE, the parties agree as follows:

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. **Trash Management.**

Applicant shall operate its Sidewalk Café consistent with the terms and conditions of its Public Space Management Branch Certification for such space, and shall cause its employees to maintain the Sidewalk Café in a clean and orderly manner, and not to cause or permit storage of any refuse, foodstuffs, perishable or odiferous materials in or adjacent to the Premises. Applicant shall cause the area extending from the front door(s) to the curb in front of the Establishment to be regularly swept, power-washed, and shall remove litter and debris on not less than a daily basis, weather permitting. Applicant shall provide exterior receptacles for extinguishing and disposing of smoking materials, and such supplemental refuse disposal receptacles as may be reasonably required to contain and minimize public disposal of waste and litter originating from the Premises.

Applicant shall comply with DCMR 21-704.3-704.5 by utilizing and regularly maintaining one or more food waste (garbage) grinder(s) adequate in capacity to dispose of all readily grindable food wastes produced. Non-recyclable waste and recyclable trash (glass, plastic, cardboard and metal cans that have been rendered free to organic materials) shall be disposed of in sealed bags that are placed in appropriate receptacles capable of being sealed with closing lids and otherwise designed for that purpose.

Applicant shall utilize rodent proof waste and trash containers with sufficient capacity to store all non-grindable garbage and recyclable trash and non-recyclable waste.

Applicant agrees to adhere to the following conditions with respect to trash management, disposal, and the sanitary maintenance of any exterior storage area.

- a. Garbage shall be collected on a schedule as may be necessary to prevent the receptacles from exceeding their capacity;
- b. Applicant will ensure timely waste disposal that is the least disruptive to the neighbors. Garbage, recyclable, and grease collections shall not occur before 7:00 a.m. or after 10:00 p.m. No glass shall be placed in any exterior receptacle nor otherwise disposed after 10:00 p.m. or before 7:00 a.m. Any glass material needing to be recycled or otherwise disposed between 10:00 p.m. and 7:00 a.m. shall be stored inside Applicant's establishment until at least 7:00 a.m. the following day.
- c. Applicant shall not store or place any kegs, foodstuffs, or other consumable goods of any type in the rear of the Premises.
- d. Applicant shall ensure that no recyclable waste is placed outside the establishment other than in a fully-closed receptacle. Applicant shall ensure that the lids or doors on all receptacles are fully closed at all times.
- e. All receptacles (for garbage, grease and recyclables) shall be secured with lids (as per their design), including while being hauled to and from sanitation trucks. Applicant shall not place waste in any garbage or trash receptacle in any manner that would prevent the full closure of the receptacle.
- f. Garbage, grease and/or recycling spills shall be cleaned up as soon as practicable after they occur. Any leak or spillage of grease shall be promptly cleaned utilizing standard industry practices such as solvents and power washing for such uncontained grease;
- g. All receptacles used for garbage, recyclables, and grease shall be maintained in good repair, safe and sanitary condition and any damaged or leaking containers shall be promptly repaired or replaced;
- h. Applicant will daily check the area behind the Premises and pick up or hose down any debris or liquid waste left behind after garbage, grease or recycling receptacles have been emptied;
- i. Applicant shall cooperate and permit inspection of the Premises, as may be reasonable pursuant to ABRA regulations or as may be reasonably requested by any authorized District of Columbia governmental entity;
- j. Applicant agrees to join in any coordinated effort with the adjacent tenants to address any rodent issues regardless of the source of such issues; and

3. Agreement Otherwise in Full Force and Effect.

Except as otherwise explicitly provide herein, the agreement from 2014 shall remain in full force effect and the Agreement as this Amendment shall constitute the agreement between the parties. This Amendment may only be modified by written agreement of the parties or their successors, or otherwise in accordance with law.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the day and year first written above.

Applicant:

La Plaza, Inc. d/b/a La Plaza Mexican Restaurant
ABRA# 060614
629 Pennsylvania Avenue, SE
Washington, DC 20003
Henry Mendoza, Managing Member
hmendoza932@gmail.com

Signature:  _____

Date: 05-10-16

ANC:

Advisory Neighborhood Commission 6B
921 Pennsylvania Avenue, SE
Washington, DC 20003
Kirsten Oldenburg, Chairperson

Signature:  _____

Date: 5-12-16

ANC 6B

Capitol Hill / Southeast

May 18, 2016

921 Pennsylvania Avenue SE
Washington, DC 20003-2141
6B@anc.dc.gov
202-546-8542

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

OFFICERS

Chair
Kirsten Oldenburg

Vice-Chair
Nick Burger

Secretary
Daniel Chao

Treasurer
Diane Hoskins

Parliamentarian
Denise Krepp

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

RE: ABRA-060614—La Plaza Mexican Restaurant, 629 Pennsylvania Avenue SE, renewal of Class C Restaurant license

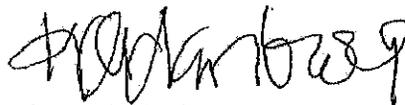
Dear Mr. Anderson:

At its regularly scheduled, properly noticed meeting of May 10, 2016, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 8-0-0 to support the above-referenced ABC license renewal.

For your review and approval, please find attached an Amendment to the existing 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

Attachment

COMMISSIONERS

- SMD 1 *Jennifer Samolyk*
- SMD 2 *Diane Hoskins*
- SMD 3 *James Looks*
- SMD 4 *Kirsten Oldenburg*
- SMD 5 *Steve Hagedorn*
- SMD 6 *Nick Burger*
- SMD 7 *Daniel Chao*
- SMD 8 *Chander Jayaraman*
- SMD 9 *Daniel Ridge*
- SMD 10 *Denise Krepp*