

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

In the Matter of:)	
)	
Las Placitas, Inc.)	
t/a Las Placitas)	
)	
Applicant for a New)	License No. ABRA-100267
Retailer's Class CR License)	Order No. 2015-514
)	
at premises)	
1100 8 th Street, S.E.)	
Washington, D.C. 20003)	
)	

Las Placitas, Inc., t/a Las Placitas (Applicant)

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 SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Las Placitas, Inc., t/a Las Placitas, Applicant for a new Retailer's Class CR License, located at 1100 8th Street, S.E., Washington, D.C., and ANC 6B have entered into a Settlement Agreement (Agreement), dated October 13, 2015, that governs the operation of the Applicant's establishment.

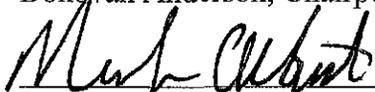
The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Kirsten Oldenburg, on behalf of ANC 6B, are signatories to the Agreement.

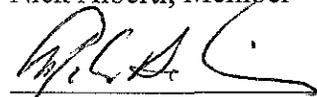
Accordingly, it is this 4th day of November, 2015, **ORDERED** that:

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

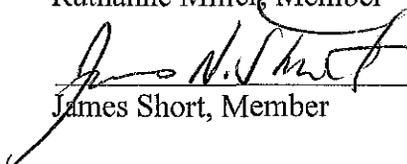
District of Columbia
Alcoholic Beverage Control Board


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).

SETTLEMENT AGREEMENT BY AND BETWEEN
ADVISORY NEIGHBORHOOD COMMISSION 6B

and

Las Placitas, Inc.
d/b/a Las Placitas

Pursuant to this Settlement Agreement, ("Agreement"), by and between Las Placitas, Inc. (d/b/a Las Placitas) ("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-0100267) ("License"), now pending before the District of Columbia Alcoholic Beverage Regulatory Administration ("ABRA"), for conduct of business located at 1100 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 full-service restaurant ("Establishment"). The Applicant currently seeks a total seating for up to 78 patrons, inclusive of 40 indoor seating and 38 sidewalk café seating. 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 at Applicant's discretion, or as may be otherwise permitted by its License, but in no event shall exceed or extend beyond the following:

The Applicant's hours of Operation shall be as follows:

Sunday through Thursday: 10:00 a.m. – 2:00 a.m.
Friday and Saturday: 10:00 a.m. – 3:00 a.m.

The Applicant's sale of alcohol within and operation of the Sidewalk Cafe shall be as follows:

Sunday through Thursday: 10:00 a.m. - 12:00 midnight
Friday and Saturday: 10:00 a.m. – 12:00 midnight

Provided, however, (1) on days designated by the DC ABC Board as "extended Hours for ABC Establishments" Applicant may serve alcoholic beverages for one additional hour (that is, one hour later in the morning); (2) in the event the Council of the District of Columbia or the ABC Board grant licensees in general extended operating hours for particular event(s), Applicant may avail itself of such extended hours; and, (3) on January 1 of each year Applicant may serve alcoholic beverages and provide entertainment until 4 am. These extended hours are for inside the establishment.

4. Requirements for Operation of Sidewalk Café. The 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 Sidewalk Café. The Applicant shall cause the area extending from the Sidewalk Cafe to the curb on the side of the Establishment to be regularly swept and shall remove litter and debris on not less than a daily basis, weather permitting.

5. Refuse Storage and Disposal. Applicant shall establish, maintain, and use an exterior private area behind the Premises to dispose of all recyclable trash, and non-recyclable trash (garbage) in a minimum of 3 jumbo-size plastic trash bins for trash and 2 jumbo bins for recycling. Applicant shall maintain the area around the exterior trash and recycling receptacles clean and free of debris, trash, liquids, or other foreign materials. Applicant shall ensure that the lids to any such receptacles are closed completely and secured as per their design at all times except when they are being filled or emptied. Applicant shall ensure that all waste grease is placed in a secure and well-maintained container inside the Premises.

Garbage shall be collected a minimum of three (3) days per week (Monday, Thursday, and Saturday) and recycling a minimum of three 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. All garbage, recycling, and grease collections shall occur after 7:00 a.m. or before 10:00 p.m.;
- b. No recyclable and non-recyclable trash shall be disposed of into the exterior trash receptacles or placed in the trash storage area after 10 p.m. or before 7 a.m.

- c. Direct access shall be provided to the sanitation, garbage and recycling companies for purposes of removing refuse from the exterior trash storage area;
- d. All receptacles used for garbage and recyclables shall be secured with lids and kept within the designated exterior trash storage area only, unless being hauled to or from sanitation trucks. Trash and recycling receptacles must not block the path from the rear yard area of the abutting establishment passageway;
- e. A grease storage container shall be kept in a designated area within the Premises
- f. All recyclable and non-recyclable trash that prevents a trashcan lid to be closed completely overnight shall be retained inside the Premises.
- g. Any trash or recyclables generated or collected between 10:00 p.m. and 7:00 a.m. shall be stored in a designated space within the Premises;
- h. All receptacles must be maintained in good repair, safe and sanitary conditions. If any receptacle is damaged, the Applicant will immediately order a replacement trash can from the garbage or recycling company;
- i. Garbage, recycling or grease spills shall be cleaned up as they occur;
- j. Daily, prior to opening, the Applicant shall ensure that no debris was left around the garbage and recycling receptacles or within the passageway;
- k. Power wash the trash area, receptacles, and the passageway weekly or more often in order to prevent food or grease film on the floor of the trash storage area; and,
- l. Cooperate with and permit inspection of the Premises, including but not limited to the indoor and exterior trash storage area, as may be reasonably requested by any District of Columbia governmental entity.

6. 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 will take all reasonable steps necessary to mitigate noise emanating from mechanical equipment associated with the Applicant's operations (e.g. air conditioning unit, grease fan) -- including installing sound-mitigating insulating material around the equipment, if necessary -- to comply with applicable DCMR provisions, prevent an increase in existing sound level from such equipment, and minimize or abate noises objectionable to residential neighbors. This shall include installation and maintenance of sound dampening materials on the Premises and use of materials sufficient to eliminate noise or vibration from penetrating the abutting building arising from ordinary and customary usage of the Premises.

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 for the Premises, including the exterior trash storage area. Applicant shall not store or place any kegs, bottles, foodstuffs, palettes of materials, or other consumable goods of any type outside the Premises, in the passageway or exterior trash storage area. 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.

8. Maintenance of Public Space Adjacent to Front of Premises. Applicant shall maintain the public space adjacent to and in front of the Premises in a clean and orderly manner, and not cause or permit storage of any refuse, foodstuffs, perishable or odiferous materials in or adjacent to the Premises. The 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 trash and litter originating from the Premises.

9. Security Cooperation in Stemming Loitering and Illegal Drugs. Applicant shall to the full extent permissible by law discourage loitering in the vicinity of the Premises. Applicant agrees to monitor for and prohibit sales or use of illegal drugs within or about the Premises and maintain contact and cooperate with MPD and other enforcement officials when known or suspected drug activities occur.

10. Compliance with ABRA Regulations. Applicant promises that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licenses.

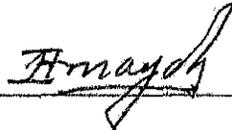
11. Agreement Otherwise in Full Force and Effect. Except as otherwise explicitly provided herein, the most recent Agreement shall remain in full force effect until the approval of this Agreement which shall constitute the agreement between the parties. The Agreement may only be modified by written agreement of all the parties or their successors, or otherwise in accordance with law.

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

Applicant:

Las Placitas Inc. (d/b/a Las Placitas)
ABRA-100267
1100 8th Street SE
Washington, DC 20003
Isidoro Amaya and Juan Ramon Amaya
President and Secretary, respectively
202-957-3652

Signature: _____



Date: _____

10/12/2015

ANC:

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

Signature: _____



Date: _____

10-13-15

ANC 6B

Capitol Hill / Southeast

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

October 14, 2015

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

OFFICERS

Chair
Kirsten Oldenburg

Vice-Chair
Brian Flahaven

Secretary
Daniel Chao

Treasurer
Diane Hoskins

Parliamentarian
Denise Krepp

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

RE: ABRA-100267, Las Placitas, 1100 8th Street SE, new license

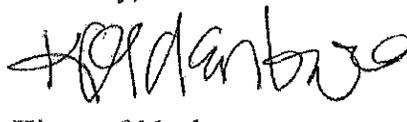
Dear Ms. Miller:

At its regularly called, properly noticed meeting on October 13, 2015, with a quorum present, Advisory Neighborhood Commission 6B (ANC 6B) voted 9-0-1 to support the above-referenced request and support the issuance of a stipulated license.

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

Attachment

COMMISSIONERS

SMD 1 *Jennifer Samolyk*

SMD 2 *Diane Hoskins*

SMD 3 *James Loots*

SMD 4 *Kirsten Oldenburg*

SMD 5 *Steve Hagedorn*

SMD 6 *Nick Burger*

SMD 7 *Daniel Chao*

SMD 8 *Chander Jayaraman*

SMD 9 *Brian Flahaven*

SMD 10 *Denise Krepp*