

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

In the Matter of:)

MPHAV, Inc.)
t/a Chicatana Fine Mexican Cuisine)

Application for a New)
Retailer's Class CR License)

at premises)
3917 14th Street, NW)
Washington, D.C. 20011)

License No.: ABRA-116631
Order No.: 2020-221

MPHAV, Inc., t/a Chicatana Fine Mexican Cuisine, Applicant

Debbie Matties, Commissioner, Advisory Neighborhood Commission (ANC) 4C

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that MPHAV, Inc., t/a Chicatana Fine Mexican Cuisine (Applicant), Applicant for a new Retailer's Class CR License, and ANC 4C have entered into a Settlement Agreement (Agreement), dated May 13, 2020, that governs the operations 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 Commissioner Debbie Matties, on behalf of ANC 4C, are signatories to the Agreement.

Accordingly, it is this 3rd day of June, 2020, **ORDERED** that:

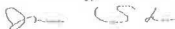
1. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
2. Copies of this Order shall be sent to the Applicant and ANC 4C.

District of Columbia
Alcoholic Beverage Control Board

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Donovan Anderson, Chairperson

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Key: 247ac7736206faee01e93d022d8ac

James Short, Member

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Key: 28b436ad0b148d7f4b75bd7017a2d

Bobby Cato, Member

eSigned via ScanlessDocs.com

Key: bf2ca4eb56b74096b19b5b720f1a2c

Rema Wahabzadah, Member

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Key: b597af194612b4918155e5c12011c2

Rafi Crockett, Member

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Key: 9217229f652487491c56bc443bc

Jeni Hansen, Member

eSigned via ScanlessDocs.com

Key: 5027bda78f60040c14adeb52541c95

Edward S. Grandis, 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).



ADVISORY NEIGHBORHOOD COMMISSION 4C

www.anc4c.org

Phone: 202-723-6670

Email: 4C@anc.dc.gov

SETTLEMENT AGREEMENT

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SMD 4C06

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This Settlement Agreement ("Agreement") is made on this 13th day of May 2020 by and between MPHAV, Inc. t/a Chicatana Fine Mexican Cuisine ("Applicant"), and Advisory Neighborhood Commission 4C ("ANC") (Collectively, the "Parties").

WITNESSETH:

WHEREAS, Applicant's application for a liquor license and live entertainment endorsement for the premises, 3917 14th Street NW, Washington, DC 20011, 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 and entertainment endorsement 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 will manage and operate a CR license at the listed address. The license shall have indoor seating of not more than 25, with a Total Occupancy Load of 31. The license shall have outdoor seating of not more than 16.
- 3. Hours of Operation and Sales.**

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

Sunday through Thursday 6 am - 2 am, Friday and Saturday 6 am - 3 am

Alcohol sales shall be limited to:

Sunday through Thursday 10 am - 2 am, Friday and Saturday 10 am - 3 am

Outdoor entertainment will not be permitted.

Indoor entertainment hours will be limited to:

Sunday through Thursday 10 am - 11:59 pm, Friday and Saturday 10 am - 1 am, provided, however, that indoor entertainment will be limited to six (6) occasions per calendar year, for a duration of no more than two (2) hours per occasion.

Provided, however, (1) on days designated by the DC ABC Board as "Extended Hours for ABC Establishments" Applicant may operate and serve alcohol for such hour(s); (2) in the event the Council of the District of Columbia or the DC ABC Board grant licensees in general extended operating hours (such as Inauguration or World Cup) Applicant may avail itself of such extended hours; and (3) on January 1 of each year Applicant may serve alcoholic beverages until 4am.

4. Noise and Privacy. Applicant will strictly comply with D.C. Official Code § 25-725 and will make architectural improvements to the property and will take actions, as necessary, to ensure that music, noise and vibration from the Establishment (including patrons) are not audible outside the establishment at any time. Applicant agrees to keep its doors and windows closed when music is being played at the establishment, but the Applicant may open its window panels seasonally, provided that the music is not audible beyond the street curbside.

5. 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 make ongoing efforts to make sure the tree box and sidewalk areas are attractive and enhance the neighborhood.

No entertainment will be provided outside the property. No entertainment will be provided on the sidewalk or on the roof.

The applicant will ensure that the inside of the facility is clearly visible from the street, that the windows are not tinted and that the windows aren't obstructed (by signs, curtains, blinds, or any other method).

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 that no garbage is placed on the abutting property. Applicant will ensure timely disposal no less than three (3) times per week that is the least disruptive to the neighbors. Commercial trash pick up in residential areas takes place between 7 a.m - 7 p.m.

6. 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.

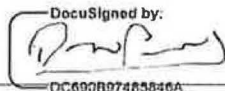
7. **Security Cooperation in Stemming Illegal Drugs and Public Drinking.** Applicant agrees that it shall take all necessary steps to minimize such problems, including, without limitation, designating a sufficient number of employees to assure adequate security and to control unruly patrons, whether inside or in the immediate outside area; monitoring for and prohibiting sales or use of illegal drugs 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. This will include providing an appropriate number of security officers, at all times when the Establishment is open to the public, who shall be responsible for ensuring that any individuals who are simply loitering are asked to move along.

Applicant will maintain in working order at all times security cameras that entirely cover the interior of the restaurant and the sidewalk and front yard of the property. The footage from these cameras shall be kept for at least a month and be made available easily and quickly during business hours to MPD and ABRA.

8. **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 licensees.

In witness whereof, the parties have executed this Settlement Agreement as of the day and date first written above.


Applicant:

DocuSigned by:


DC690B97485846A

Diana Poveda, Owner, Chicatana Fine Mexican Cuisine

Advisory Neighborhood Commission 4C:

DocuSigned by:


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Debbie Matties, Commissioner, ANC 4C-05