

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

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<b>In the Matter of:</b>	)
	)
Joselito, LLC	)
t/a Casa de Comidas	)
	)
Holder of a	)
Retailer's Class CR License	)
	)
at premises	)
660 Pennsylvania Avenue, SE	)
Washington, D.C. 20003	)
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License No.: ABRA-104232  
Order No.: 2019-345

Joselito, LLC, t/a Casa de Comidas (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

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**ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT**

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On October 3, 2013, ANC 6B and a previous holder of a Retailer's Class CR license for the premises located at 660 Pennsylvania Avenue, SE, entered into a Settlement Agreement (Agreement). Joselito, LLC, t/a Casa de Comidas (Licensee), as the subsequent and current holder of that license is required to comply with the terms of the Agreement, because it governs the operations of the Licensee's establishment.

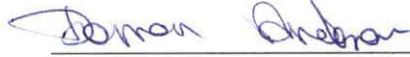
This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated April 8, 2019, in accordance with D.C. Official Code § 25-446 (2001).

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 15th 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

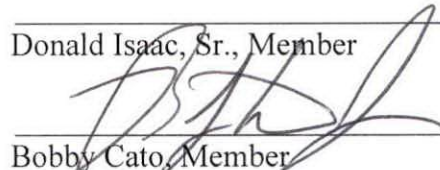


Mike Silverstein, Member



James Short, Member

Donald Isaac, Sr., Member



Bobby Cato, Member

Rema Wahabzadah, 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 14<sup>th</sup> 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 THE SETTLEMENT AGREEMENT BY AND BETWEEN  
ADVISORY NEIGHBORHOOD COMMISSION 6B**

and

**Joselito, LLC, d/b/a Joselito Casa de Comidas**

Pursuant to this Amendment to the Settlement Agreement, ("Amendment"), by and between Joselito, LLC, d/b/a Joselito Casa de Comidas ("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 660 Pennsylvania Avenue 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 the terms and conditions upon which ANC6B has agreed to support modification to Applicant's SA, pursuant to the provisions of D.C. Code § 25-446, for the operation and maintenance of Applicant's business, as amended by the change in hours of operation, sales, service and consumption of alcohol at the Premises.

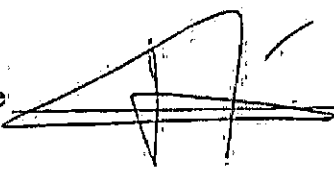
NOW, THEREFORE, Applicant and ANC 6B agree, as follows:

1. Recitals Incorporated. The recitals set forth above are incorporated herein by reference.
2. Replace, in the first paragraph, the name "Sona Creamery LLC" with "Joselito, LLC, d/b/a Joselito Casa de Comidas"
3. In Section 3, replace "Hours of Operation and Sales." with "Hours of Operation, Sale, Service and Consumption."
4. 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.

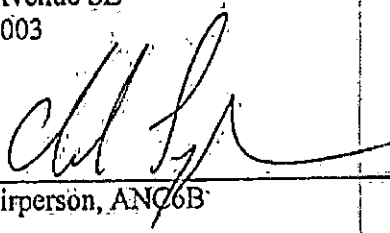
Applicant:

Javier Candon, Owner  
Joselito, LLC, d/b/a Joselito Casa de Comidas  
ABRA# 104232  
660 Pennsylvania Avenue SE  
Washington DC 20003

Signature  Date: April 8, 2019

ANC:

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

Signature  Date: April 8, 2019  
Chairperson, ANC6B

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

In the Matter of:	)	
	)	
Sona Creamery, LLC	)	
t/a Sona Creamery and Wine Bar	)	
	)	
Applicant for a New	)	
Retailer's Class CR License	)	License No. ABRA-092841
	)	Order No. 2013-577
at premises	)	
660 Pennsylvania Avenue, S.E.	)	
Washington, D.C. 20003	)	

Sona Creamery, LLC, t/a Sona Creamery and Wine Bar (Applicant)

Brian Flahaven, Chairperson, on behalf of Advisory Neighborhood Commission (ANC)  
6B

**BEFORE:** Ruthanne Miller, Chairperson  
Nick Alberti, Member  
Donald Brooks, Member  
Mike Silverstein, Member  
Herman Jones, Member

**ORDER ON SETTLEMENT AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Sona Creamery, LLC, t/a Sona Creamery and Wine Bar, Applicant for a new Retailer's Class CR license, located at 660 Pennsylvania Avenue, S.E., Washington, D.C., and ANC 6B have entered into a Settlement Agreement (Agreement), dated October 3, 2013, 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 Brian Flahaven, on behalf of ANC 6B, are signatories to the Agreement.

Accordingly, it is this 4<sup>th</sup> day of December, 2013, **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, except for the following modification:

Section 6 (Noise, Odor, and Privacy) – This section shall be modified to read as follows: “No objectionable noises, odors or other conditions will be created by the Applicant. Applicant will strictly comply with D.C. Official Code § 25-725, which may include the need to make architectural improvements to the property. Applicant agrees to keep its doors closed when music is being played inside the establishment but may open its window panels during such times, provided that the music is not audible beyond the street curbside. If necessary, Applicant will take reasonable steps necessary to reduce noise emanating from the opening of entry or exit doors. Applicant will take all reasonable steps to strictly comply with D.C. Regulations concerning noise emanating from the establishment's mechanical equipment.”

The parties have agreed to this modification.

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

Sona Creamery, LLC  
t/a Sona Creamery and Wine Bar  
License No. ABRA-092841  
Page 3

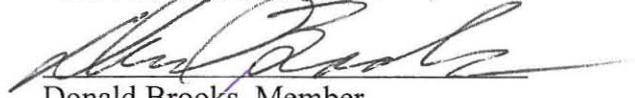
District of Columbia  
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



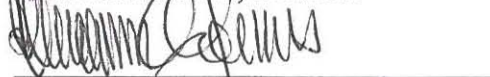
Nick Alberti, Member



Donald Brooks, Member



Mike Silverstein, Member



Herman Jones, Member

Pursuant to D.C. Official Code § 25-433, 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 14<sup>th</sup> 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to D.C. Official Code § 25-433, 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).

## SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is made on this 3rd day of October, 2013 by and between Sona Creamery LLC ("Applicant"), and Advisory Neighborhood Commission 6B, (Collectively, the "Parties").

### WITNESSETH

WHEREAS, Applicant's application for a license for premises, 660 Pennsylvania Ave. SE, Washington, DC, 20003, 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 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 shall manage and operate at the address a place that is regularly used for the sale and service of prepared food and alcoholic beverages. The license shall have limited indoor seating of 70 patrons and outside (sidewalk or other) voluntary seating not to exceed 24 patrons.
3. **Hours of Operation and Sales.** The Applicant's hours of operation shall be as follows:
  - Inside Services
    - Sunday through Thursday 6 AM to 2 AM
    - Friday and Saturday 6 AM to 2 AM
  - Sidewalk Services
    - Sunday through Thursday 6 AM to 12 AM
    - Friday and Saturday 6 AM to 12 AM

Entertainment Endorsement

Sunday through Thursday N/A to N/A AM

Friday and Saturday N/A AM to N/A AM

Provided that: (a) on days designated by the ABC Board as "Extended Hours for ABC Establishments" Applicant may operate (including sale and consumption) for one hour later than the hours listed above; (b) in the event that the Council of the District of Columbia or the ABC Board grants licensees in general extended operating hours (such as for the Inauguration), Applicant may avail itself of such extended hours; and (c) on January 1 of each year, Applicant may operate (including sale and consumption) until 3:00 a.m.

4. **Floors Utilized and Occupancy.** The Applicant will operate its establishment according to the occupancy indicated on the Certificate of Occupancy issued by the Department of Consumer and Regulatory Affairs.
5. **Sidewalk Café.** Applicant will operate its sidewalk café in accordance with the Public Space Management Branch Certification. Applicant will direct that its employees inspect the sidewalk café on a regular basis to ensure its cleanliness.
6. **Noise, Odor, and Privacy.** ANC consents to issuance of an entertainment endorsement. Notwithstanding, no objectionable noises, sounds, odors, or other conditions will be created by the Applicant. Applicant will strictly comply with D.C. Official Code § 25-725 and to that end shall take all necessary actions to ensure that music, noise and vibration from the Establishment are not audible outside the establishment at any time. Applicant may open its window panels, and that music may be played at such times at a level not audible beyond the street curbside. No live entertainment shall be presented on the sidewalk café. If necessary, Applicant will take reasonable steps to reduce noise emanating from the Establishment from the opening of the entry or exit doors. The 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 D.C. regulations, prevent an increase in existing sound level conditions of the site, and abate noises objectionable to the residential neighbors..
7. **Public Space and Trash.**
  - a. Applicant shall keep its entire property and 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.
  - b. 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 shall ensure that no trash is placed outside the establishment other than in a fully-closed dumpster. Applicant shall ensure that the lids on all dumpsters are fully closed at all times. Applicant shall not place trash in its dumpster in any manner that would prevent the full closure of the dumpster. Applicant shall ensure that all dumpsters used are properly maintained and replaced when damaged.

c. Applicant shall ensure that all grease is placed in a secure well-maintained container inside the property where possible. Any grease leak shall be cleaned up promptly and all containers shall be properly maintained and replaced when damaged or leaking.

d. Applicant will ensure timely trash disposal that is the least disruptive to the neighbors. To that end, no glass shall be recycled or otherwise disposed after 10 p.m. or before 7 a.m. Any glass material needing to be recycled or otherwise disposed between 10 p.m. and 7 a.m. shall be stored inside the Applicant's establishment until 7 a.m.

e. Commercial trash pick up in residential areas takes place between 7 a.m.-7 p.m. Applicant shall not allow for its trash to be picked up outside of those hours.

8. ***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.

9. ***Security Cooperation in Stemming Criminal Activity and Public Drinking.*** Applicant agrees that it shall take all reasonable steps to minimize such problems, including, without limitation, providing 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 criminal activity 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.

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 licensees.

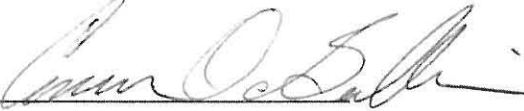
11. ***Cancellation of previous Agreements.*** Except as otherwise explicitly provided herein, this Agreement shall have full force effect and shall constitute the agreement between the parties. This agreement may only be modified by written agreement of all the parties or their successors, or otherwise in accordance with law. All other previous Voluntary or Settlement agreements are rendered null and void.

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

Applicant:

Sona Creamery LLC, t/a \_\_\_\_\_  
ABRA# 92841  
660 Pennsylvania Ave. SE (address)  
Washington, DC 20003  
Conan O'Sullivan, Managing Member  
360-870-3833, phone

Signature:



Date: October 3, 2013

Advisory Neighborhood Commission 6B  
Washington, DC 20003  
Brian Flahaven, Chairperson  
(202) 543-3344  
Fax (202) 543-3507

Signature:



Date:

10/4/13

# ANC 6B

*Capitol Hill / Southeast*

921 Pennsylvania Avenue SE  
Suite 305  
Washington, DC 20003-2141  
202-543-3344 (office)  
202-543-3507 (fax)  
office@anc6b.org

Executive Director  
*Susan Eads Role*

October 15, 2013

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

VIA E-MAIL: tesha.anderson@dc.gov

## OFFICERS

Chair  
*Brian Flahaven*

Vice-Chair  
*Ivan Frishberg*

Secretary  
*Philip Peisch*

Treasurer  
*Brian Pate*

Parliamentarian  
*Nichole Opkins*

RE: ABRA-092841, Sona Creamery and Wine Bar, 660 Pennsylvania Avenue SE, New License

Dear Ms. Miller:

At its regularly called, properly noticed meeting on October 8, 2013, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 10-0 to support the above-referenced request.

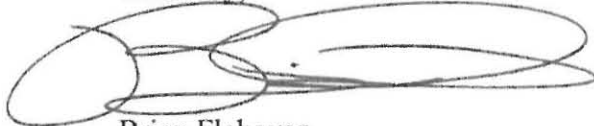
For your review and approval, please find enclosed a Settlement Amendment, which was executed by both parties.

## COMMISSIONERS

SMD 1 *David Garrison*  
SMD 2 *Ivan Frishberg*  
SMD 3 *Philip Peisch*  
SMD 4 *Kirsten Oldenburg*  
SMD 5 *Brian Pate*  
SMD 6 *Nichole Opkins*  
SMD 7 *Sara Loveland*  
SMD 8 *Chander Jayaraman*  
SMD 9 *Brian Flahaven*  
SMD 10 *Francis Campbell*

Please contact Commissioner Sara Loveland, ANC 6B's Alcohol Beverage Control Committee Chair, at 202-330-8745 or [sara6b07@anc6b.org](mailto:sara6b07@anc6b.org) if you have questions or need further information. Thank you.

Sincerely,



Brian Flahaven  
Chair

Enclosure