

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

In the Matter of:

Alta Strada-City Vista, LLC
t/a Alta Strada

Application for Substantial Change
(Summer Garden)
to a Retailer's Class CR License

at premises
465 K Street, NW
Washington, D.C. 20001

Case No.: 19-PRO-00004
License No.: ABRA-100140
Order No.: 2019-109

Alta Strada-City Vista, LLC, t/a Alta Strada (Applicant)

Alexander Marriott, Commissioner, Advisory Neighborhood Commission (ANC) 6E

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member

**ORDER ON SETTLEMENT AGREEMENT AND
WITHDRAWAL OF ANC 6E'S PROTEST**

The Application filed by Alta Strada-City Vista, LLC, t/a Alta Strada (Applicant), for a Substantial Change to add a Summer Garden, was protested by ANC 6E.

The official records of the Board reflect that the Applicant and ANC 6E entered into a Settlement Agreement (Agreement), dated February 6, 2019, 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 Commissioner Alexander Marriott, on behalf of ANC 6E, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by ANC 6E.

Accordingly, it is this 27th day of February, 2019, **ORDERED** that:

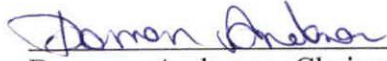
1. The Application filed by Alta Strada-City Vista, LLC, t/a Alta Strada, for a Substantial Change to add a Summer Garden is **GRANTED**;
2. The Protest of ANC 6E in this matter is hereby **WITHDRAWN**;
3. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Applicant’s establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modification:

Section 10 (No Protest) – The language “shall refrain from filing a protest against Applicant’s pending license application” shall be replaced with the language “shall withdraw its protest against the Applicant’s pending license application.”

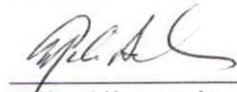
The parties have agreed to this modification.


4. Copies of this Order shall be sent to the Applicant and ANC 6E.

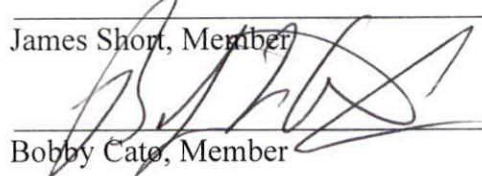
District of Columbia
Alcoholic Beverage Control Board


Donovan Anderson, Chairperson


Nick Alberti, Member


Mike Silverstein, Member


James Short, 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 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

Alta Strada-City Vista, LLC t/a Alta Strada
and
Advisory Neighborhood Commission No. 6E

for premises located at
465 K Street, NW, Washington DC 20001

Recitations

WHEREAS, Alta Strada-City Vista, LLC ("Applicant"), is a corporation organized under the laws of the District of Columbia, and duly authorized to do business in the District of Columbia; and,

WHEREAS, the premises on 465 K Street, NW is located within Advisory Neighborhood Commission 6E ("ANC 6E"); and,

WHEREAS, the Applicant has filed for a Substantial Change to their Class "C" Restaurant license (ABRA-100140) under the D.C. Alcoholic Beverage Control Act ("Application") with the ABC Board; and,

WHEREAS, the Application seeks approval to operate a Summer Garden with 28 seats ("Summer Garden") at 465 K Street, NW; and,

WHEREAS, the Applicant and ANC 6E (collectively, the "Parties") desire to resolve potential issues in the operation of Alta Strada located at 465 K Street, NW, ("Restaurant") and enter into this Settlement Agreement ("Agreement") in exchange for ANC 6E's support of the 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:

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

2. **Interior Hours:**

a.) The Hours of Operation on the interior premises shall remain unchanged, per the limits sent in the Applicant's current Class "C" Restaurant license (ABRA-100140)

3. **Summer Garden.**

a.) The Summer Garden's Hours of Operation and Hours of Alcoholic Beverage Sales, Service, and Consumption: Sunday through Saturday: 9:30am to 11:00pm.

b.) No amplified sound, entertainment, live music, or karaoke shall be permitted on the Summer Garden outside the Restaurant.

4. **Public Space and Trash.** Applicant shall take reasonable measures to maintain the cleanliness of the premises and ensure the Sidewalk Café and adjacent public property is free of trash/waste.

including the sidewalk in front of the Restaurant. Applicant shall cause extermination services to be provided to the Restaurant by a reputable exterminator on at least a monthly basis.

5. **Noise.** Applicant will comply with all D.C. Official Code §25-725:

a) During all times, amplified music emanating from the boundaries of the Restaurant's premises (except during times that the doors are open for ingress or egress) shall not be audible in the neighboring community.

b) Amplified sound emanating from the licensed premises that is audible in other nearby residential premises is prohibited.

6. **Construction of Agreement.** Any reference to specific laws and regulations in this Agreement is meant for informational purposes only. ANC 6E does not intend for a violation of any DC law or regulation to also be considered a violation of this Agreement.

7. **Notice and Opportunity to Cure.** In the event that either party is in breach of this Agreement, the breaching party shall be entitled to reasonable notice and opportunity to cure in the form of thirty (30) days' notice before the non-breaching party can seek enforcement of the Agreement. If the breaching party fails to cure within thirty (30) days, (or, within respect to a breach which reasonably requires more than thirty days to cure, fails to commence cure of such breach and diligently pursues such cure), then the non-breaching party shall be entitled to file a complaint with the ABC Board pursuant to D.C. Official Code §25-447.

If to Applicant: Alta Strada-City Vista, LLC
465 K Street, NW
Washington, DC 20001
Attn: William Washington
Email: wwashington@schlowrg.com

If to ANC: Advisory Neighborhood Commission 6E
P.O. Box 93020, Brentwood Station
Washington, DC 20090
Attn: Alexander Marriott
Email: alexmarriottanc@gmail.com

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

10. **No Protest.** Upon execution of this Settlement Agreement and its acceptance by the ABC Board, ANC 6E agrees to support Applicant's pending ABC license Application and shall refrain from filing a protest against Applicant's pending license application.

In witness thereof, the Parties, acting through their authorized representatives, have agreed to and signed this Settlement Agreement.

Alta Strada-City Vista, LLC

By: 
William Washington

Date: 1/29/2019

Advisory Neighborhood Commission 6E

B. 
Alexander Marriott, Chair

Date: 2/6/2019