

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

In the Matter of:)
)
Contreras, Inc.)
t/a Barrilito Bar and Restaurant)
)
Holder of a)
Retailer's Class CR License)
)
at premises)
3911 14th Street, NW)
Washington, D.C. 20011)
_____)

License No.: ABRA-106193
Order No.: 2019-422

Contreras, Inc., t/a Barrilito Bar and Restaurant (Licensee)

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

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

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Contreras, Inc., t/a Barrilito Bar and Restaurant (Licensee), and ANC 4C have entered into a Settlement Agreement (Agreement), dated May 3, 2019, that governs the operation of the Licensee's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Commissioner Debbie Matties, on behalf of ANC 4C, are signatories to the Agreement.

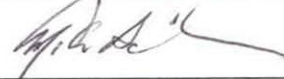
Accordingly, it is this 15th day of May, 2019, **ORDERED** that:

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

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



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).



ADVISORY NEIGHBORHOOD COMMISSION 4C

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SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is made on this May 3, 2019 by and between Contreras, Inc., d/b/a Barrilito Bar and Restaurant ("Applicant"), and Advisory Neighborhood Commission 4C, (Collectively, the "Parties").

WITNESSETH:

WHEREAS, Applicant's application for a liquor license and live entertainment endorsement for premises, 3911 14th Street NW, Washington, DC, 20010, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC), license number to be determined when Applicant submits application; 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 will manage and operate a CR license at the listed address. The license shall have indoor seating of not more than 26, with a Total Occupancy Load of 29. The license shall have outdoor seating of not more than 14.
- 3. Hours of Operation and Sales.** The Applicant's closing hours shall be as follows: Sunday through Thursday 2 a.m., Friday and Saturday - 3 a.m.

P.O. Box 60847
Washington, DC 20039

801 Shepherd Street, NW
Washington, DC 20011

Alcohol sales shall be limited to:
Sunday through Thursday until 2 a.m., Friday and Saturday, until 3 a.m.

Sidewalk patio hours will be limited to:
Sunday through Thursday – 11 pm
Friday and Saturday – 12 a.m.

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. Outdoor Seating. If Applicant provides seating for patrons in the Establishment's front yard and public space, Applicant will ensure patrons do not block sidewalk passage. Applicant will direct that its employees inspect the sidewalk and front yard area on a regular basis to ensure its cleanliness. Applicant will follow DDOT's regulations on the operation of sidewalk cafes, as provided for in Chapter 24 of Title 3 of District of Columbia Municipal Regulations.

5. 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, amplified sound and vibration from the Establishment (including patrons, and including both public and private events) are not audible outside the establishment at any time. Applicant will ensure that music, amplified sound and vibration from the Establishment are not audible inside any residences located in the building above the Establishment. Applicant may open window panels when music is being played inside the establishment, provided that the music is not audible beyond the street curbside. Applicant will actively work to maintain peace and quiet of patrons after leaving the business. Applicant will not serve patrons who have a pattern of having produced noise, waste, or unruly behavior.

Applicant will install soundproofing or insulating material as needed s to lessen the effects of music, noise and vibration from the Establishment on residents living within 50 feet of the Establishment.

6. Public Space and Trash. Applicant shall keep the sidewalk (up to and including the curb), tree boxes, 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 ensure 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 in the front yard.

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 pickup in residential areas takes place between 7 a.m.-7 p.m.

7. 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 not garbage and odors present the following morning.

8. Access to Parking. The Applicant shall not obstruct or prevent access to public parking spaces at any time. The Applicant shall ensure that its employees park in legally authorized locations. The Applicant further agrees not to accept deliveries from or provide products for pick-up to vendors (e.g. UberEats) who park illegally (e.g. obstructing or preventing access to public parking spaces).

When parked in any parking spaces assigned to the Establishment, the Applicant shall pull vehicle(s) all the way up to the building wall to ensure access to any other nearby parking spots.

10. 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. Applicant shall to the full extent permissible by law discourage smoking in the vicinity of the Premises. Applicant agrees to post No Smoking signs to discourage smoking in public spaces (e.g. sidewalk) near the Premises.

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.

11. 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:



Maria Martinez, Owner, Barrilito Bar and Restaurant

Advisory Neighborhood Commission 4C:



Debbie Matties, Commissioner, 4C-05

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Washington, DC 20039

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