

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

In the Matter of:

Rinconcito Tex-Mex Corporation
t/a Rinconcito Tex-Mex Restaurant

Holder of a
Retailer's Class CR License

at premises
1326 Park Road, NW
Washington, D.C. 20010

License No.: ABRA-089715
Order No.: 2019-510

Rinconcito Tex-Mex Corporation, t/a Rinconcito Tex-Mex Restaurant, Licensee

Kent C. Boese, Chairman, Advisory Neighborhood Commission (ANC) 1A

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 Rinconcito Tex-Mex Corporation, t/a Rinconcito Tex-Mex Restaurant (Licensee), and ANC 1A have entered into a Settlement Agreement (Agreement), dated May 13, 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 Chairman Kent C. Boese, on behalf of ANC 1A, are signatories to the Agreement.

Accordingly, it is this 26th day of June, 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 1A.

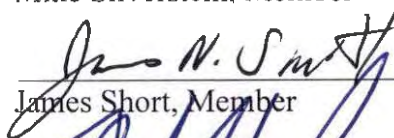
District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



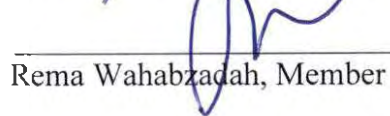
Mike Silverstein, Member



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 1A

SMD 1A01 – Layla Bonnot
SMD 1A04 – Matthew Goldschmidt
SMD 1A07 – Jen Bundy
SMD 1A10 – Rashida Brown

SMD 1A02 – Teresa A. Edmondson
SMD 1A05 – Christine Miller
SMD 1A08 – Kent C. Boese
SMD 1A11 – Dotti Love Wade

SMD 1A03 – Zach Rybarczyk
SMD 1A06 – Angelica Castañon
SMD 1A09 – Michael Wray
SMD 1A12 – Jason Clock

SETTLEMENT AGREEMENT

THIS AGREEMENT ("Agreement") is made on this 13th day of May 2019 by and between Rinconcito Tex-Mex Corporation ("Applicant") and Advisory Neighborhood Commission 1A ("Protestant") (collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant has applied for renewal of License Class "C" Restaurant #ABRA-089715 ("License"), for a business establishment located at 1326 Park Rd NW, Washington, DC ("Premises"); and

WHEREAS, the Parties have agreed to enter into this Agreement and request that the Alcoholic Beverage Control Board ("ABC Board") approve the Applicant's license application, conditioned upon the Applicant's compliance with the terms of this written agreement; and

WHEREAS, the Parties are desirous of entering into an Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to minimize the effect on (i) the peace, order, and quiet of the neighborhood and (ii) pedestrian safety and vehicular traffic, and to eliminate the need for a Protest Hearing regarding the license 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. **Nature of the Business:** The Applicant will manage and operate a restaurant with a total occupancy load of 75. Any change from this model shall be considered by both Parties to be a substantial change in operation of great concern to residents and requires prior approval by the ABC Board.
3. **Hours of Operation and Sales:**
Operation:
Monday through Thursday 10:30am – 12am
Friday and Saturday 10:30am – 2am

Advisory Neighborhood Commission 1A
3400 11th Street NW, Suite 200
Washington, DC 20010



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Sunday 10:30am – 11pm

Alcohol Sales/Service/Consumption:

Monday through Thursday 11am – 12am

Friday and Saturday 11am – 2am

Sunday 12pm – 11pm

Summer Garden Operation:

Monday through Thursday 10:30am – 11pm

Friday and Saturday 10:30am – 12am

Sunday 10:30am – 11pm

Summer Garden Alcohol Sales, Service, and Consumption:

Monday through Thursday 11am – 11pm

Friday and Saturday 11am – 11pm

Sunday 12pm – 11pm.

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) or later hours as authorized; (2) in the event the Council of the District of Columbia or the DC ABC Board grant licenses in general extended operating hours Applicant may avail itself of such extended hours; (3) on January 1 of each year Applicant may serve alcoholic beverages and provide entertainment until 4 am.

- Floors Utilized and Occupancy:** The Applicant will operate its Establishment on the first and basement floors of the building and the summer garden. The summer garden will only allow alcohol sales, service, and consumption with prior approval by the ABC Board. The Establishment will have no more patrons than permissible by DC Code and Fire regulations.
- Noise, Entertainment, and Privacy:** Applicant will strictly comply with D.C. Official Code § 25-725 and to that end shall make architectural improvements to the property and take all reasonably necessary actions to ensure that noise from the Establishment are not audible within the adjacent residential properties. Doors and windows will be closed after 9:00 p.m. except as needed for the purpose of patrons to enter and exit. In the event there shall be a violation of this subsection, the Applicant shall take all steps necessary to prevent the repetition of such violation.



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6. **Public Space and Trash:** Applicant shall keep the sidewalk, tree box(es), alley, and abutting public spaces clean and free of litter, bottles, and other debris in compliance with D.C. Code and Municipal Regulations. The Applicant shall not maintain or store any foodstuffs, beverages, or other consumable materials in any exterior area, including the Summer Garden, except when in actual use for service to customers. The Applicant agrees to obtain and maintain trash and recyclable receptacles to be placed in the rear of the building and out of view from the street and sidewalk. Applicant shall ensure that the area around the receptacle(s) is kept clean at all times and the dumpster(s) is placed such that it does not encroach on the abutting property owners and so that no garbage is placed on the abutting property. Applicant shall cause the exterior of the Premises to be inspected at least daily, and shall ensure that the area immediately adjacent to and in public space surrounding the Premises is free of litter, debris, and recyclable materials, and that any trash and/or recycling receptacles are properly maintained with their lids closed consistent with their design, and are not filled beyond capacity. Applicant shall promptly clean and, if necessary, power wash, any spills of grease, trash or recyclable materials and shall otherwise maintain any exterior trash, grease, or recyclable collection points.
7. **Rats and Vermin Control:** The Applicant shall provide rat and vermin control for the Premises and immediately adjacent exterior space, whether on public or within or on the Premises, and shall maintain at all times a service contract with a licensed professional exterminator to supply regular inspection and treatment. Applicant shall provide proof of a current pest control contract upon the request of the Board.
8. **License Ownership and Compliance with ABRA Regulations:** Applicant promises to Protestant that it shall abide by all Alcoholic Beverage Regulation Administration (ABRA) regulations regarding ownership of the license and all other provisions applicable to liquor licensees, and agrees that Protestant shall have standing to ask the ABC Board to enforce any violations of the agreement.
9. **Participation in the Community:** Applicant agrees to seek to maintain open communication with the Protestant, and the community for which the ANC acts.



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10. **Notice and Opportunity to Cure:** In the event that any of the parties is in breach of this Agreement, the party shall be entitled to reasonable notice and opportunity to cure, as a condition precedent to seeking enforcement of the Agreement. Unless the breach is of emergency nature or is a repetition of a prior breach, reasonable notice and opportunity shall provide for a cure within 30 days of the date of such notice. If Applicant or the licensee fails to cure within the 30-day period (or, with respect to a breach which reasonably requires more than 30-days to cure, fails to commence cure of such breach and diligently pursues such cure) failure shall constitute a cause for the ANC to file a complaint with the ABC Board pursuant to D.C. Official Code § 25- 446(e) in order to enforce the provisions of the Agreement. Unless otherwise noted above, any notices required to be made under this Agreement shall be in writing and mailed via certified mail, return receipt requested, postage prepaid, or hand-delivered, to the other parties to this Agreement at the following addresses. Notice shall be deemed given as of the time or receipt or refusal of receipt.

If to Applicant:
Rinconcito Tex-Mex Corporation
1326 Park Road NW
Washington, DC 20010
Attn: Lesley Arias
(202) 299-1076

If to Protestant:
Advisory Neighborhood Commission 1A
3400 11th Street NW #200
Washington, DC 20010
Attn: Kent C. Boese, Chairman
(202) 944-8111

APPLICANT:



Rinconcito Tex-Mex Corporation

5/14/19

Date

Reyna Arias

Print Name



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PROTESTANT:

Kent C. Boese, Chairman ANC 1A

Date

Print Name

####

Certification:

After providing sufficient notice for and with a quorum of 12 present at its June 12, 2019 meeting, Advisory Neighborhood Commission 1A voted, with 12 Yeas, 0 Nos and 0 Abstentions, to adopt the above agreement.

Kent C. Boese, Chairman ANC 1A

Zach Rybarczyk, Secretary ANC 1A