

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

<b>In the Matter of:</b>	)	
	)	
Remarkable Breads, LLC	)	
t/a Bread Furst	)	
	)	
Applicant for a New	)	License No. ABRA-096024
Retailer's Class CR License	)	Order No. 2014-355
	)	
at premises	)	
4434 Connecticut Avenue, N.W.	)	
Washington, D.C. 20008	)	

Remarkable Breads, LLC, t/a Bread Furst (Applicant)

Adam Tope, Chairperson, Advisory Neighborhood Commission (ANC) 3F

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

**ORDER ON SETTLEMENT AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Remarkable Breads, LLC, t/a Bread Furst, Applicant for a new Retailer's Class CR license, located at 4434 Connecticut Avenue, N.W., Washington, D.C., and ANC 3F have entered into a Settlement Agreement (Agreement), dated August 19, 2014, 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 Adam Tope, on behalf of ANC 3F, are signatories to the Agreement.

Accordingly, it is this 24<sup>th</sup> day of September, 2014, **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 modifications:

Section 1 – The following sentence shall be modified to read as follows: “Any change to this model shall be of great concern to the Parties which they may bring to the ABC Board’s attention. Any change in operations requires prior Board approval.”

Section 11 – The following language shall be removed: “Applicant also specifically agrees to be the sole owner of the ABC license.”

Section 13 – The following sentence shall be modified to read as follows: “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 filing a complaint with the ABC Board pursuant to D.C. Official Code § 25-446(3).”

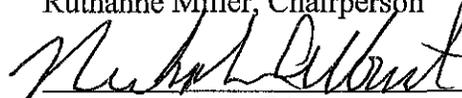
The parties have agreed to these modifications.

2. Copies of this Order shall be sent to the Applicant and ANC 3F.

District of Columbia  
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



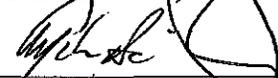
Nick Alberti, Member



Donald Brooks, Member



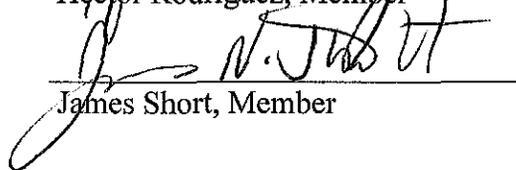
Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, 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 19th day of August, 2014 by and between Remarkable Breads, LLC t/a Bread Furst, ABRA-096024 ("Applicant") and Advisory Neighborhood Commission 3F, North Cleveland Park, Forest Hills and Tenleytown ("ANC"), collectively known as the "Parties."

### WITNESSETH

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board ("ABC Board") is the Applicant's application for a Retailer's Class C/R license (Restaurant) liquor license for its premises at 4434 Connecticut Avenue, NW ("Establishment") (ABRA-096024); and

WHEREAS, both the Applicant and the ANC are desirous of entering into a Settlement Agreement pursuant to DC Official Code Title §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;

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. The Applicant shall manage and operate a bona fide bakery-restaurant on its premises, with emphasis on baked goods and prepared meals to be eaten in the restaurant or taken out. The Applicant intends to offer beer, wine and/or spirits with purchased meals consumed on the premises. Any change to this model shall be considered by both Parties to be a substantial change in operation of concern to residents and requires prior approval by the ABC Board.
2. The Establishment has a total occupancy load of 38, and a sidewalk cafe with 24. This maximum represents the total number of indoor and outdoor seats that are or will be available at the Establishment. The Restaurant liquor license (ABRA-096024) applies to the bakery, restaurant, and sidewalk cafe portions of the Establishment.
3. Applicant shall offer food to its patrons at all times it is open. At no time shall a patron be able to purchase an alcoholic beverage from the Applicant and not be able to purchase food from the Applicant. The Applicant shall offer take-out food, but will not provide alcoholic beverages on a take-out basis.
4. The Applicant's normal hours of operation for the indoor bakery-restaurant are:

Monday through Friday:	7:00 a.m. - 11:00 p.m.
Saturday:	8:00 a.m. - 11:00 p.m.
Sunday:	8:00 a.m. - 3:00 p.m.

The Applicant's hours for selling and serving alcohol at the indoor bakery-restaurant shall be:

Monday through Friday:	12:00 p.m. - 11:00 p.m.
Saturday:	12:00 p.m. - 11:00 p.m.
Sunday:	12:00 p.m. - 3:00 p.m.

The Applicant's normal hours of operation for the sidewalk cafe are:

Monday through Friday:	9:00 a.m. - 6:00 p.m.
Saturday:	9:00 a.m. - 6:00 p.m.
Sunday:	9:00 a.m. - 3:00 p.m.

The Applicant's hours for selling and serving alcohol at the sidewalk cafe shall be:

Monday through Friday:	12:00 p.m. - 6:00 p.m.
Saturday:	12:00 p.m. - 6:00 p.m.
Sunday:	12:00 p.m. - 3:00 p.m.

Applicant shall have an ABC licensed manager on site at all times during which alcohol is served at the Establishment.

5. Applicant shall be permitted to present recorded music inside the restaurant as soft background music for dining; provided, however, that no doors to the exterior of the restaurant shall be propped open at any time when music is being played in the restaurant. The Applicant shall permit no form of dancing. Applicant will strictly comply with DC Official Code Title §25-725 and to that end shall make improvements to the property and take all necessary actions to ensure that music, noise, and vibration from the Establishment are not audible in any other premises other than the licensed establishment. Applicant agrees to keep its doors and windows closed when music is being played at the establishment. If necessary, Applicant will take reasonable steps to reduce noise emanating from the Establishment from the opening of the entry or exit doors.
6. The Applicant shall post no signs in public space, outside the restaurant or in any exterior facing windows, doors, or walls advertising discounted liquor sales, happy hours, or the like.
7. The Applicant shall not install or utilize any equipment for video games or juke boxes.
8. Applicant will care for the public space that borders the Establishment on Connecticut Avenue, including provision for suitable plantings where appropriate. Applicant shall keep the sidewalk (up to and including the curb) and tree box(es) 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.

9. The Applicant shall provide rat and vermin control for its trash receptacles and property, and 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.
10. Applicant shall ensure that the area around its dumpster(s) is kept clean at all times and the dumpster does not encroach on abutting property owners and so that no garbage is placed on abutting property.
11. Applicant promises that it shall abide by all Alcoholic Beverage Regulation Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licenses and agrees that the ANC shall have standing to ask the ABC Board to enforce any violations of the agreement. Applicant also specifically agrees to be the sole owner of the ABC license.
12. Applicant agrees to seek to maintain open communication with the ANC and the community for which the ANC acts. Applicant, upon notice from the ANC, shall send a representative of the Establishment to a meeting(s) to confer and deal in good faith with issues raised under this Agreement or new issues that might arise with regard to the operation of the Establishment.
13. In the event of a breach of this Agreement, Applicant 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 an 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 the Applicant 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 seeking a Show Cause Order from the ABC Board pursuant to DC Official Code Title §25-447. 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, or hand-delivered, to the other parties to this Agreement at the following addresses. Notice shall be deemed given as of the time of receipt or refusal of receipt:

If to Applicant: Remarkable Breads, LLC t/a Bread Furst  
4434 Connecticut Avenue, N.W.  
Washington, D.C. 20008

If to ANC: Advisory Neighborhood Commission 3F  
4401-A Connecticut Avenue, N.W., PMB 244  
Washington, D.C. 20008-2322

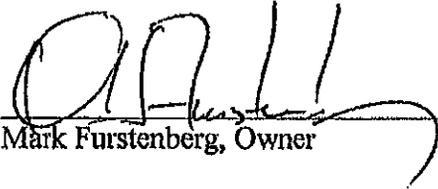
Failure to give notice shall not constitute waiver or acquiescence to the violation, but notice shall be a prerequisite to the filing of a complaint with the ABC Board or any other enforcement action.

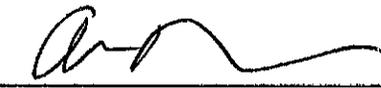
Bread Furst  
Page 4

In consideration of and in reliance upon the commitments reflected in Paragraphs 1-13 above, the ANC will advise the ABC Board that it supports the Applicant's Class C/R liquor license for its Establishment at 4434 Connecticut Avenue, N.W. (ABRA-096024).

[Signature page follows]

IN WITNESS WHEREOF, the Parties have affixed hereunto their hands and seals on the year and day first written above

By:  for the Applicant, Remarkable Breads, LLC  
Mark Furstenberg, Owner

By:  for ANC 3F  
Adam Tope, Chair

**Government of the District of Columbia**  
**ADVISORY NEIGHBORHOOD COMMISSION 3F**  
*North Cleveland Park • Forest Hills • Tenleytown*

3F01 – Adam Tope, Chair  
3F02 – Karen L. Perry, Vice Chair  
3F03 – Mary Beth Ray  
3F04 – Sally Gresham  
3F05 – Manolis R. Priniotakis  
3F06 – Malachy Nugent, Secretary  
3F07 – Bob Summersgill, Treasurer



Box 244  
4401-A Connecticut Avenue, N.W.  
Washington, D.C. 20008  
[www.anc3f.us](http://www.anc3f.us)  
[commissioners@anc3f.us](mailto:commissioners@anc3f.us)  
Phone: 202-670-7ANC

August 20, 2014

Sent Via Fax and Mail

Ms. Ruthanne Miller, Chair  
Alcoholic Beverage Control Board  
2000 14th Street, NW, S400  
Washington, DC 20009

RE: Remarkable Breads, LLC t/a Bread Furst, License No. ABRA-096024,  
4434 Connecticut Avenue, NW

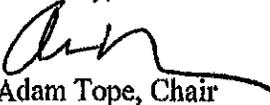
Dear Ms. Miller:

At a duly noticed public meeting on Tuesday, August 19, 2011, and with a quorum of four present, Advisory Neighborhood Commission 3F (ANC 3F) voted unanimously (6-0-0) to adopt the attached resolution and settlement agreement and support the granting of a stipulated license and class C/R license to the applicant listed above, contingent on the resolution and settlement agreement.

The applicant is aware that the placards must remain in the window of his establishment for the determined time even if the Board grants the request for a stipulated license.

If you have any questions or concerns about the resolution or agreement, please contact me at [3F01@anc.gov](mailto:3F01@anc.gov) or Commissioner Malachy Nugent, the designated ANC Commissioner for this application, at 202-810-3674 or [3F06@anc.gov](mailto:3F06@anc.gov).

Sincerely,

  
Adam Tope, Chair

Attachments:

1. Resolution
2. Settlement Agreement