

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3F

3F01 – David Dickinson
3F02 – Carolinn Kuebler
3F03 – Naomi Rutenberg
3F04 – Leah Frelinghuysen
3F05 – Andrea Molod
3F06 – Monika Nemeth



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SETTLEMENT AGREEMENT

Made this 13th day of January 2019, by and between District Wine Consulting, LLC (the "Applicant") and ADVISORY NEIGHBORHOOD COMMISSION 3F (the "ANC" or "ANC

WITNESSETH:

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control ("ABC") Board is Applicant's application for a new Retailer's Class "B" (Internet Only) liquor license for the premises known as 4221 Connecticut Avenue, NW (the "Establishment"), License Number ABRA-112287; and

WHEREAS, both Applicant and the ANC (the "parties") desire to enter into a Settlement Agreement commemorating certain understandings regarding Applicant's operating plans;

WHEREAS, in consideration of the premises recited, and the mutual covenants and promises set forth below;

Hours

1. Applicant's hours of operation at the above-mentioned licensed premises for all purposes that cause a noise disturbance (as defined in D.C. Code 25-725) — including deliveries and pick-ups — will be within the hours of 9:00 a.m. to 10:00 p.m. Sunday through Saturday. This restriction does not include internet sale activity outside these hours that does not cause a noise disturbance.

Public Spaces

To the extent Applicant is able to control deliveries and pick-ups, Applicant will make a reasonable effort to:

2. Use off-street parking for dropping off and retrieving wine;
3. Restrict vehicle parking, including staff, customers, and vendors, to legal parking locations that the Applicant can control.
4. Ensure its employees and guests maintain the establishment in such a manner as to have minimal impact on vehicular and pedestrian traffic on public streets in the neighborhood (e.g., not stacking crates to block traffic, etc.); and

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5. Schedule garbage collection pickups between the hours of 9:00 a.m. and 9:00 p.m. if able to do so.

Advertising

6. Applicant shall be prohibited from displaying any advertising banners, neon signs, or outside signage other than any sign permitted by D.C. laws and regulations and those required by law.

Breach of Agreement / Notifications

7. Applicant shall manage and operate in a manner consistent with their ABRA license. As such, applicant shall comply with District of Columbia Official Code Title 25 and District of Columbia Municipal Regulations Title 23 as they apply to the Establishment and applicable laws and regulations of the District of Columbia in the operation of this establishment.
8. The Parties agree to maintain open communications and agrees to endeavor to confer and deal in good faith with issues raised under this Agreement or new issues that might arise that are within ABRA's jurisdiction with regard to the operation of the Establishment. In the event that any of the parties is in breach of this Agreement, it 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 for which notice has been given, 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 grounds for the ANC to file a complaint with the ABC Board in accordance with D.C. Official Code 95-447. Unless otherwise noted above, any notices required to be made under this Agreement shall be delivered in writing and mailed via certified mail, return receipt requested, or hand-delivered, to the other parties to this Agreement at the following addresses:

- a. District Wine Consulting, LLC
4221 Connecticut Avenue, NW
Washington, DC 20008
- b. Advisory Neighborhood Commission 3F
4401-A Connecticut Avenue, N.W., PMB 244
Washington, D.C. 20008-2322

Notice shall be deemed given as of the time of receipt or refusal of receipt.

THEREFORE, in consideration of and in reliance upon the commitments reflected in items 1 through 8 above, the ANC will advise the ABC Board that it does not oppose Applicant's pending application for a Retailer's Class "A" (Internet Only) license.

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

APPLICANT

ANC 3F

Signature: _____

Signature: _____

Name: _____

Name: _____

Title: _____

Title: _____

[Type here]