

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

In the Matter of:	)	
	)	
BCI Food Services, LLC	)	
t/a Garden District	)	
	)	
Application for Renewal of a	)	Case No.: 16-PRO-00022
Retailer's Class CR License	)	License No.: ABRA-083769
	)	Order No.: 2016-464
at premises	)	
1801 14th Street, N.W.	)	
Washington, D.C. 20009	)	

BCI Food Services, LLC, t/a Garden District (Applicant)

James A. Turner, Chairperson, Advisory Neighborhood Commission (ANC) 1B

**BEFORE:** Donovan Anderson, Chairperson  
Nick Alberti, Member  
Mike Silverstein, Member  
Ruthanne Miller, Member  
James Short, Member

**ORDER ON SETTLEMENT AGREEMENT AND  
WITHDRAWAL OF ANC 1B'S PROTEST**

The Application filed by BCI Food Services, LLC, t/a Garden District (Applicant), for renewal of its Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on May 16, 2016, and Protest Status Hearing on June 22, 2016, in accordance with D.C. Official Code § 25-601 (2001).

The official records of the Board reflect that the Applicant and ANC 1B entered into a Settlement Agreement (Agreement), dated July 7, 2016, 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 James A. Turner and Commissioner John C. Green, on behalf of ANC 1B, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by ANC 1B of this Application.

Accordingly, it is this 27th day of July, 2016, **ORDERED** that:

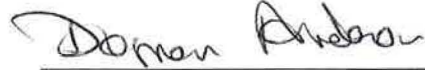
1. The Application filed by BCI Food Services, LLC, t/a Garden District, for renewal of its Retailer's Class CR License, located at 1801 14th Street, N.W., Washington, D.C., is **GRANTED**;
2. The Protest of ANC 1B in this matter is hereby **WITHDRAWN**;
3. The above-referenced Settlement Agreement submitted 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 3 (Rodent Control) – This Section shall be modified to read as follows: “Applicant shall provide proof of its rodent control contract to the ABC Board upon request.”

The parties have agreed to this modification.

4. Copies of this Order shall be sent to the Applicant and ANC 1B.

District of Columbia  
Alcoholic Beverage Control Board



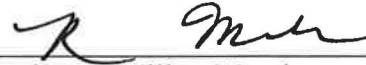
Donovan Anderson, Chairperson



Nick Alberti, Member



Mike Silverstein, Member



Ruthanne Miller, Member



James Short, 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 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, 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

Garden District  
1801 14<sup>th</sup> Street, NW

This **SETTLEMENT AGREEMENT** (this "Agreement") is made and entered into as of the 7<sup>th</sup> day of JULY, 2016, by and among **BCI Food Services LLC dba Garden District** (the "Applicant") and **ADVISORY NEIGHBORHOOD COMMISSION 1B** (the "Protestant").

**WHEREAS**, the Applicant has filed an application (the "Application") with the District of Columbia; Alcoholic Beverage Regulatory Administration for the renewal of a Class CR Retailer's License (the "ABC License") for premises to be known as "Garden District", located at 1801 14<sup>th</sup> Street, N.W., Washington, D.C. 20009 (the "Premises");

**WHEREAS**, the parties hereto wish to enter into this Agreement, pursuant to D.C. Official Code §25-446 (2001 ed.), commemorating their agreements.

**WHEREAS**, this Agreement constitutes a positive endorsement for the renewal of the Applicant's ABC License and use of the premises and abutting public space for the needs of an eating and drinking establishment.

**NOW, THEREFORE**, in consideration of the mutual covenants and undertakings memorialized herein, the parties hereto hereby agree as follows:

- 1. PUBLIC SPACE AND TRASH.** The Applicant hereby agrees to install two (2) new lids on its trash and recycling receptacles in public space within thirty (30) days of the ratification of this Agreement by the ABC Board.
- 2. INSTALLATION OF ADDITIONAL FIXTURES.** The Applicant shall install three (3) additional planters on the 10 foot high fence along 14<sup>th</sup> and S streets within thirty (30) days of the ratification of this Agreement by the ABC Board.
- 3. RODENT CONTROL.** Applicant shall provide proof of its rodent control contract upon written request of ANC 1B.
- 4. NOTICE AND OPPORTUNITY TO CURE.** The Applicant acknowledges that the failure to adhere to the provisions of Sections 1-3 hereof shall constitute grounds for the designated representatives of the Protestant to file a complaint with the District of Columbia Alcoholic Beverage Control Board (the "ABC Board") to ascertain the Applicant's compliance with the terms of this Agreement and/or if necessary to obtain compliance with these terms. Notwithstanding the foregoing, prior to filing such a complaint, the designated representative of the Protestant, shall provide the Applicant with written notice of any perceived violation of this Agreement and afford the Applicant a minimum of thirty (30) calendar days in which to address or rectify such perceived violation (or, with respect to a perceived violation that reasonably requires more than thirty (30) calendar days to address or rectify, such additional time as may be reasonably required to address or rectify such perceived violation, but in no event more than

ninety (90) calendar days from the date of the Protestant's written notice, as the case may be, regarding such perceived violation). Any notice required to be made under this Agreement shall be in writing postage prepaid via certified mail, or hand delivered, to the other party to this Agreement at the following addresses. Notice shall be deemed given as of the time of receipt or refusal of receipt.

If to the Applicant: BCI Food Services LLC dba Garden District  
1801 14<sup>th</sup> Street NW  
Washington, DC 20009

If to the Protestant: ANC 1B  
2000 14<sup>th</sup> Street NW  
Suite 100B  
Washington, DC 20009  
Attn: admin@anc1b.org

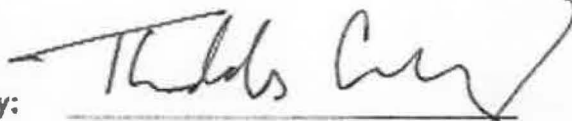
**5. INCORPORATION INTO ABC BOARD ORDER.** The parties hereto request that the text of this Agreement be incorporated in an order of the ABC Board granting the Applicant's request for the issuance of the ABC License. The terms of this Agreement in its entirety shall become effective upon ratification of this Agreement by the ABC Board. This agreement does not preclude the applicant from utilizing its allotment of six one-day substantial change requests in a calendar year, or from participating in ABRA's extended holiday hours program. In further consideration of, and reliance upon the forgoing commitments by the Protestant, the Applicant hereby requests that the Application be approved by the ABC Board.

**[SIGNATURES ON FOLLOWING PAGE]**

**IN WITNESS WHEREOF**, the parties hereto have affixed hereunto their hands and seals to this Settlement Agreement on the year and day first above written.

**APPLICANT:**

BCI Food Services LLC dba Garden District

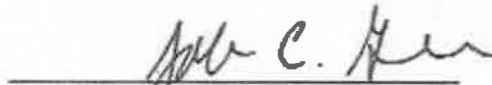
By: 

Name: THADDEUS CURTZ

Title: OWNER

**PROTESTANT:**

ADVISORY NEIGHBORHOOD COMMISSION 1B

By: 

Name: John C. Green

Title: Commissioner and Vice Chair, ANC 1B12

By: 

Name: James A. Turner

Title: Commissioner and Chair, ANC 1B09