

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

In the Matter of:	)	
	)	
Little Red Fox, LLC	)	
t/a Little Red Fox	)	
	)	
Applicant for a New	)	License Nos. ABRA-092834 and
Retailer's Class B and DR License	)	ABRA-092836
	)	Order No. 2013-518
at premises	)	
5035 Connecticut Avenue, N.W.	)	
Washington, D.C. 20008	)	

Little Red Fox, LLC, t/a Little Red Fox (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

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Little Red Fox, LLC, t/a Little Red Fox, Applicant for a new Retailer's Class B and DR license, located at 5035 Connecticut Avenue, N.W., Washington, D.C., and ANC 3F have entered into a Settlement Agreement (Agreement), dated August October 15, 2013, 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.

Little Red Fox, LLC
t/a Little Red Fox
License Nos. ABRA-092834 and ABRA-092836
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Accordingly, it is this 6th day of November, 2013, **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 modification:

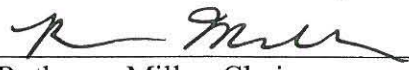
Section 10 – The following sentence shall be modified to read as follows:
“If Applicant fails to cure within the 30-day period (or, with respect to a breach which reasonably requires more than 30 days to cure, fails to commence cure of such breach and diligently pursue such cure), such failure shall constitute a cause for the ANC to file a complaint with the ABC Board, pursuant to D.C. Official Code § 25-446(e).”

The parties have agreed to this modification.

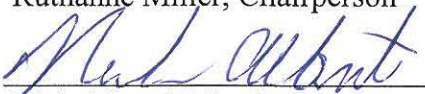
2. Copies of this Order shall be sent to the Applicant and ANC 3F.

Little Red Fox, LLC
t/a Little Red Fox
License Nos. ABRA-092834 and ABRA-092836
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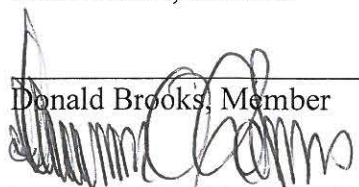
District of Columbia
Alcoholic Beverage Control Board



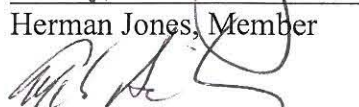
Ruthanne Miller, Chairperson



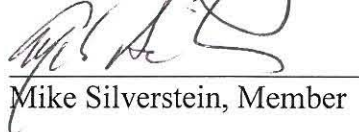
Nick Alberti, Member



Donald Brooks, Member



Herman Jones, Member



Mike Silverstein, 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 14th Street, N.W., Suite 400S, Washington, DC 20009.

SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT ("Agreement") is made on this 15th, day of October, 2013 by and between Little Red Fox, LLC t/a Little Red Fox, ABRA-092836 and ABRA-092834, (the "Applicant") and Advisory Neighborhood Commission 3F, North Cleveland Park, Forest Hills and Tenleytown (collectively, the "Parties").

WITNESSETH

WHEREAS, the Applicant has pending a Retailer's Class B (ABRA-092836) and Restaurant Class DR (ABRA-092834) beer and wine licenses for its premises at 5035 Connecticut Avenue, N.W.;

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth below, the Parties agree as follows:

1. The Applicant shall manage and operate a full service grocery store on its premises. The Retailer's Class B (ABRA-092836) applies to the grocery portion of the premises.
2. The store has restaurant seating for a maximum of 8 people inside the store: 1 table with 8 seats. The Certificate of Occupancy ("C of O") for the establishment shows a maximum seating capacity of 8 and a maximum capacity of 36 persons. The Restaurant Class DR (ABRA-092834) applies to the restaurant and sidewalk café portions of the premises.
3. The Applicant's hours of operation for shall be as follows:

Sunday through Thursday :	7:30 a.m. – 11:30 p.m.
Friday and Saturday:	7:30 a.m. – 11:30 p.m.

The Applicant's hours for selling and serving beer and wine shall be as follows:

Sunday through Thursday :	9:00 a.m. – 11:30 p.m.
Friday and Saturday:	9:00 a.m. – 11:30 p.m.

4. The Applicant shall be permitted to have an unenclosed sidewalk café. The Public Space Committee approved the café to operate year round with 4 tables, 16 seats, and 4 eight-foot umbrellas. The umbrellas shall not feature advertisements for beer, wine or other alcohol.
5. The Applicant's hours of operation for the outdoor café shall be as follows:

Sunday through Saturday:	7:30 a.m. – 10:00 p.m.
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The Applicant's hours for selling and serving beer and wine at the outdoor café shall be as follows:

Sunday through Saturday:	9:00 a.m. – 10:00 p.m.
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6. The Applicant shall post no signs in public space, outside the restaurant or in any exterior facing windows, doors, or walls advertising liquor sales, happy hours, or the like.

7. Applicant will care for the 35 feet of public space that borders the restaurant on Connecticut Avenue, including provision for suitable plantings. 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. 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.
8. The Applicant shall provide rat and vermin control for its trash receptacles and 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.
9. Any change from 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.
10. 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, reasonable notice and opportunity shall provide for a cure within 30 days of the date of such notice. If 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 seeking a Show Cause Order from the ABC Board pursuant to D.C. Official Code § 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: Little Red Fox, LLC t/a Little Red Fox
5035 Connecticut Avenue, N.W.
Washington, D.C. 20008

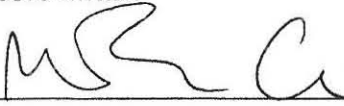
If to ANC: Advisory Neighborhood Commission 3F
4401-A Connecticut Avenue, N.W., PMB 244
Washington, D.C. 20008-2322

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.

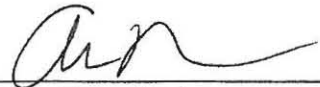
In consideration of and in reliance upon the commitments reflected in Paragraphs 1-9 above, the ANC will advise the ABC Board that it supports the Applicant's Retailer's Class B license and Restaurant Class DR licenses.

[signature page follows]

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

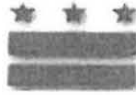
By:  _____ for the Applicant Little Red Fox,
LLC

Matthew R. M. Carr, Managing Member

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 – David Solorzano Lowell, Secretary
3F07 – Bob Summersgill, Treasurer



Box 244
4401-A Connecticut Avenue, N.W.
Washington, D.C. 20008-2322
www.anc3f.us
commissioners@anc3f.us
Phone: 202-670-7ANC

October 16, 2013

Ruthanne Miller
Chairperson
Alcoholic Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, DC 20009

RE: Little Red Fox, LLC t/a Little Red Fox
5035 Connecticut Avenue, N.W.
Washington, D.C. 20008

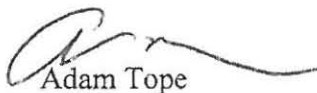
Dear Chairperson Miller:

At a duly noticed public meeting on Tuesday, October 15, 2013, Advisory Neighborhood Commission 3F (ANC 3F) voted 7-0-0, with a quorum present - a quorum being 4 - to adopt the attached resolution and settlement agreement and to support the granting of a Retailer's Class B full service grocery store license and Restaurant Class DR license to Little Red Fox contingent on the approval of the settlement agreement.

Little Red Fox, through Managing Member Matt Carr, has requested that the Board consider the granting of stipulated Retailer's Class B full service grocery store license and stipulated Restaurant Class DR license. ANC 3F supports the granting of these stipulated licenses. The applicant is aware that the placards must remain in the window of the 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 the Agreement, please contact Commissioner Manolis Priniotakis, the designated ANC Commissioner for this application and the Commissioner for 3F05, the Single Member District in which Little Red Fox is located, at 202-746-6943 or manolis@manolisanc.com.

Sincerely,


Adam Tope
Chair

CC: Matt Carr, Little Red Fox

Attachments:

1. Resolution
2. Settlement Agreement

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 – David Solorzano Lowell, Secretary
3F07 – Bob Summersgill, Treasurer



Box 244
4401-A Connecticut Avenue, N.W.
Washington, D.C. 20008-2322
www.anc3f.us
commissioners@anc3f.us
Phone: 202-670-7ANC

**Resolution Regarding Class B and Class D/R Beer and Wine License Applications and
Stipulated License Support for Little Red Fox**

WHEREAS, Little Red Fox, LLC, t/a Little Red Fox, has applied for a Retailer's Class B full service grocery store license (License No. ABRA- 092834) and Restaurant Class DR license (License No. ABRA- 092836) for the indoor restaurant portion and a sidewalk café at 5035 Connecticut Avenue, N.W.; and

WHEREAS, the Applicant has posted in its window the placard announcing the application for a these licenses, with a Petition Date of November 25, 2013, and a Hearing Date of December 9, 2013; and

WHEREAS, the Applicant desires the ability to open the full-service grocery store and start selling beer and wine for which it will need a stipulated Retailer's Class B license; and

WHEREAS, the Applicant will need a stipulated Class DR license in order to serve beer and wine at the table in the restaurant and at the outdoor cafe tables; and

WHEREAS, the Applicant in its filing with ABRA indicated that the Restaurant Class DR license for on-premises consumption would cover the indoor seating area and a sidewalk cafe; and

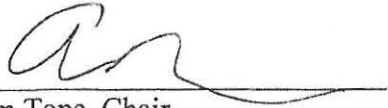
WHEREAS, the Applicant submitted to ABRA a Certificate of Occupancy on which the placards and notice to the community was based showing an indoor occupancy of 36 and 16 sidewalk café seats; and

THEREFORE, BE IT RESOLVED, that ANC 3F supports the granting of a Retailer's Class B full service grocery store license and a Restaurant Class DR license, contingent upon the incorporation of the Settlement Agreement; and

BE IT FURTHER RESOLVED, that ANC 3F supports a stipulated Retailer's Class B full service grocery store license and a stipulated Restaurant Class DR license for Little Red Fox.

[Signature page follows]

ANC 3F approved this resolution at its meeting on October 15, 2013, which was properly noticed and a quorum present. The resolution was approved by a vote of 7-0-0.

A handwritten signature in black ink, appearing to be 'Adam Tope', written over a horizontal line.

Adam Tope, Chair