

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

In the Matter of:

Capital Riverfront Hotel, LLC)
t/a Hampton Inn & Suites Washington D.C./)
Navy Yard Area)

Holder of a)
Retailer's Class CH License)

License No.: ABRA-099532

Order No.: 2016-594

at premises)
1265 1st Street, S.E.)
Washington, D.C. 20003)

Capital Riverfront Hotel, LLC, t/a Hampton Inn & Suites Washington D.C./Navy Yard Area (Licensee)

Andy Litsky and Dr. Coralie Farlee, Commissioners, Advisory Neighborhood Commission (ANC) 6D

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Mafara Hobson, Member
Jake Perry, Member

ORDER ON AMENDMENT TO COOPERATIVE AGREEMENT

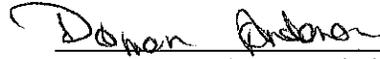
The official records of the Alcoholic Beverage Control Board (Board) reflect that Capital Riverfront Hotel, LLC, t/a Hampton Inn & Suites Washington D.C./ Navy Yard Area (Licensee), and ANC 6D entered into Settlement Agreement (Agreement), dated July 13, 2015, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Cooperative Agreement (Amendment), dated October 17, 2016, in accordance with D.C. Official Code § 25-446 (2001).

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Andy Litsky and Dr. Coralie Farlee, on behalf of ANC 6D, are signatories to the Amendment.

Accordingly, it is this 26th day of October, 2016, **ORDERED** that:

1. The above-referenced Amendment to Cooperative Agreement, dated October 17, 2016, submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. All terms and conditions of the original Agreement, not amended by the Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee and ANC 6D.

District of Columbia
Alcoholic Beverage Control Board

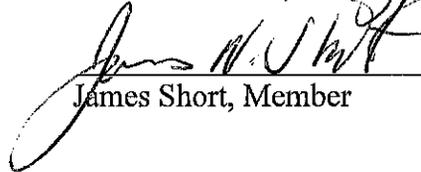


Donovan Anderson, Chairperson



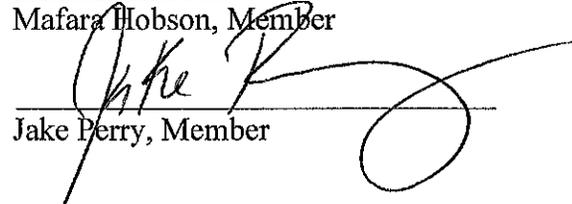
Nick Alberti, Member

Mike Silverstein, Member



James Short, Member

Mafara Hobson, Member



Jake Perry, 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).

ALCOHOLIC BEVERAGE
REGULATION ADMIN

★ ★ ★ Advisory Neighborhood
Commission 6D

1101 4th Street SW, Suite W130, Washington, DC 20024
ANC Office: 202 554-1795 • FAX: 202 554-1774
office@anc6d.org

ABRA

AMENDMENT #1 TO COOPERATIVE AGREEMENT

THIS AMENDMENT TO COOPERATIVE AGREEMENT is made on this 17th day of October, 2016, by and between Capital Riverfront Hotel, LLC, t/a Hampton Inn & Suites Washington D. C./Navy Yard Area, License Class CR #0099532 (licensee) and Advisory Neighborhood Commission 6D (ANC6D) the ANC ("The ANC"), collectively, the Parties. This amendment updates and supplements the Cooperative Agreement dated July 13, 2015, between Hampton Inn and Suites and ANC6D and finalized by ABC Board Order #2015-418 dated September 9, 2015.

RECITALS

WHEREAS, Licensee and ANC6D entered into new Cooperative Agreement dated July 13, 2015, for an establishment located at 1265 First Street, SE, Washington, D.C. 20003, and

WHEREAS, original Cooperative Agreement dated July 13, 2015, in Item 4, "Floors Utilized and Occupancy" and Item 6, "Sidewalk Café/Summer Garden" specified an occupancy and seating capacity, respectively, of 14 patrons; and

WHEREAS, the ABRA Board Order#2015-418 incorporated the terms of the July 13, 2015 Cooperative Agreement, including occupancy of the sidewalk cafe in its Order and License; and

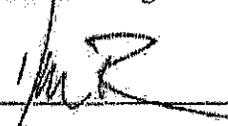
WHEREAS, the Parties request that the Alcoholic Beverage Control Board approve this Amendment to Cooperative Agreement conditioned upon the Licensee's compliance with the terms of this written Amendment and the previously executed Cooperative Agreement and Board Order and ABRA License; and

NOW, THEREFORE, in consideration of the recitals set forth above, it is mutually understood and agreed by and between the undersigned Parties to amend the previously executed Agreement as follows:

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference,
2. Paragraph 4, "Floors Utilized and Occupancy" is amended to read as follows:
 - In sentence 2, lines 4-5: replace "occupancy of 14 patrons in the ground floor sidewalk café" with "occupancy of 20 patrons in the ground floor sidewalk café."

Paragraph 6, "Sidewalk Café/Summer Garden" is amended to read as follows:

- In Sentence 1, second clause, replace "the ground floor Sidewalk Café will have a seating capacity of 14 patrons" with "the ground floor Sidewalk Café will have a seating capacity of 20 patrons."
- 3. **Compliance with ABRA Regulations.** Licensee promises that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations and all other provisions applicable to liquor licenses.
- 4. **Agreement Otherwise Unamended.** Except as otherwise provided herein, the terms and conditions of the previously executed Settlement Agreement, Board Order, and License are expressly reaffirmed and remain in full force and effect.

| The ANC | LICENSEE |
|---|--|
| Chair, ANC6D  <u>10/17/16</u> Andy Litsky, SMD04 Date | Capitol Riverfront Hotel, LLC t/a Hampton Inn & Suites Washington D.C./Navy Yard Area By:  <u>10/12/16</u> Date |
| Chair, ABC Committee, ANC6D  <u>17 Oct 16</u> Coralie Farlee Date cfarlee@mindspring.com | |

★ ★ ★
ANC 6D

Near Southeast/Southwest
Advisory Neighborhood Commission 6D

ALCOHOLIC BEVERAGE
REGULATION ADMIN

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ABRA
October 17, 2016

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202.554.1795
Email: office@anc6d.org
Website: www.anc6d.org

Donovan Anderson, Chair
Alcohol Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, DC 20009

OFFICERS

Chairperson
Andy Litsky

Vice Chairperson
Rachel Reilly Carroll

Secretary
Stacy Cloyd

Treasurer
Meredith Fascett

Re: ANC6D recommendation for Amendment 1 to Cooperative Agreement dated July 13, 2015 and Board Order 2015-418 for Capital Riverfront Hotel LLC t/a Hampton Inn & Suites Washington D.C./Navy Yard Area, ABRA #099532, at 1265 1st Street, SE.

Dear Mr. Anderson:

At its regularly scheduled, properly noticed meeting on October 17, 2016, with a quorum present, the Advisory Neighborhood Commission 6D voted 7 to 0 to 0 to recommend approval of Amendment 1 to the Cooperative Agreement for Hampton Inn & Suites, ABRA #099532.

COMMISSIONERS

- SMD 1 *Marjorie Lightman*
- SMD 2 *Stacy Cloyd*
- SMD 3 *Rachel Reilly Carroll*
- SMD 4 *Andy Litsky*
- SMD 5 *Roger Moffatt*
- SMD 6 *Rhonda Hamilton*
- SMD 7 *Meredith Fascett*

The occupancy permits issued for this Establishment allow 20 persons/patrons. The sidewalk café is immediately opposite (across N Street, SE from) The Nationals ball park. There are no residences in the sightline from the area of the sidewalk café. The ANC6D agrees that this change does not constitute a substantial change and may be made as an Administrative Action by the ABC Board.

Please contact Commissioner Litsky (at the number above) or Coralie Farlee, Chair, ABC Committee, ANC6D at 202-554-4407, cfarlee@mindspring.com if you have any questions or concerns.

Sincerely,

Andy Litsky
Andy Litsky, Chair
ANC6D

Coralie Farlee
Coralie Farlee, Chair
ABC Committee, ANC6D

✓ Cc: Martha Jenkins

Attachment: Amendment 1 to CA