

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

In the Matter of:)	
)	
The Capital Yacht Club)	
t/a Capital Yacht Club)	
)	
Holder of a)	License No. ABRA-001324
Retailer's Class CX Club License)	Order No. 2015-0383
)	
660 Water Street, S.W.)	
Washington, D.C. 20024)	
)	

The Capital Yacht Club, t/a Capital Yacht Club (Applicant)

Roger Moffatt and Dr. Coralie Farlee, Commissioners, Advisory Neighborhood Commission (ANC) 6D

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

ORDER ON FIRST AMENDMENT TO COOPERATIVE AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that The Capital Yacht Club, t/a Capital Yacht Club (Licensee), and ANC 6D entered into Cooperative Agreement (Agreement), dated November 10, 2014, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' First Amendment to Cooperative Agreement (Amendment), dated July 14, 2015, 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 Roger Moffatt and Dr. Coralie Farlee, on behalf of ANC 6D, are signatories to the Amendment.

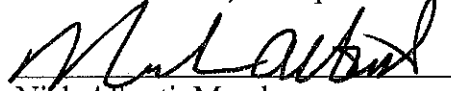
Accordingly, it is this 5th day of August, 2015, **ORDERED** that:

1. The above-referenced First Amendment to Cooperative Agreement, dated July 14, 2015, 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.

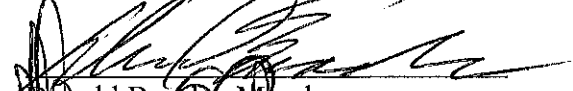
District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member



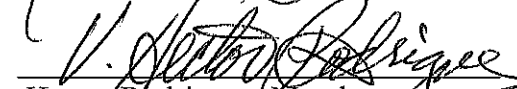
Donald Brooks, Member



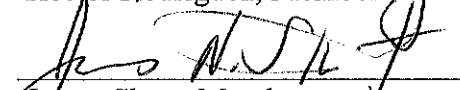
Herman Jones, Member



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 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).

★ ★ ★ **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

ALCOHOLIC BEVERAGE
REGULATORY BOARD
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AMENDMENT #1 TO COOPERATIVE AGREEMENT

THIS AMENDMENT TO COOPERATIVE AGREEMENT is made on this 15th day of July, 2015, by and between Capital Yacht Club, t/a The Capital Yacht Club (CYC) License Class CX # 001324 (licensee) and Advisory Neighborhood Commission 6D (ANC6D/ the ANC/Protestant), collectively, the Parties.

RECITALS

WHEREAS, Licensee and ANC6D entered into new Cooperative Agreement dated November 10, 2014, for an establishment located at 660 Water Street, SW, Washington, D.C. 20024, and

WHEREAS, the Licensee, in its previous location at 1000 Water Street, SW, in 1957, established the practice of firing a cannon every day, later modified to only on Fridays (the end of the work week) and on special occasions (such as holidays and the beginning of the yachting season); and

WHEREAS, in 2014, Licensee moved from its long-time location at 1000 Water Street, SW (where there were no affected residents or patrons of businesses nearby) to 660 Water Street, SW, (because of construction/development activity at the SW waterfront), where, at the new location, the long-time residents of the Port of Washington Yacht Club (POWYC) and the Gangplank Slipholders Association (GPSA) were subjected to the noise created by the firing of a cannon; and

WHEREAS, at the time of the development of the November 10, 2014 Cooperative Agreement, the Licensee did not possess a current license for the new location, and there had been noise complaints expressed to the ANC (ABC Committee) by nearby residents; and

WHEREAS, the November 10, 2014 Agreement included restrictions on “noise and privacy with the first sentence indicating that “Applicant will strictly comply with D.C. Official Code 25-725 and to that end shall take all necessary actions to ensure that music, noise and vibration from the Establishment may not be heard in any premises other than the licensed establishment” with succeeding sentences suggesting various forms of noise mitigation; and

WHEREAS, the Licensee has subsequently obtained from the MPD Harbor Master a new “Permit for Marine Event” dated April 7, 2015, for the 660 Water Street, SW location which authorizes dusk to sunset firing of the “saluting cannon” on the event dates of: April 1– November 30, 2015 each Friday at sunset, plus at or about 1200 hours on all National Holidays and May 3, July 4, October 19, 2015 and first Sunday February 2016; and

WHEREAS, since November, 2014, the Licensee has discussed the situation with representatives of the POWYC and the GPSA and reached a compromise (signed on June 5, 2015 by representatives of CYC and POWYC), with the agreement indicating that “members of both organizations support CYC proceeding with its cannon firing tradition under this arrangement and have no remaining issues” – as follows: (1) the CYC will be permitted to fire its cannon on Friday evenings at sunset and on specified special occasions in accordance with the

terms of its permit; (2) the cannon will be located on the landing of CYC's B dock and pointed toward the 14th Street bridge; and (3) CYC will provide notice to POWYC and GPSA of the specific dates and times of firing; and

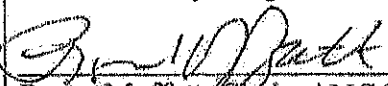
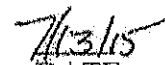
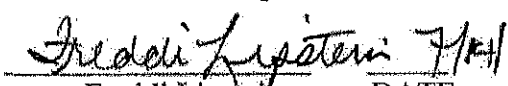
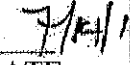
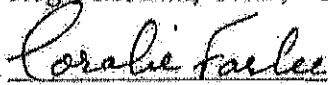

WHEREAS, the Parties request that the Alcoholic Beverage Control Board approve this Amendment to Cooperative Agreement conditioned upon the Licensee's compliance with the terms of this written Amendment and the previously executed Cooperative Agreement and Board Order; and

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 Cooperative Agreement as follows:

1. **Recitals Incorporated.** The recitals set forth above are incorporated herein by reference.
2. Paragraph 6 on **Noise and Privacy** is amended to read as follows, after the first sentence:

The parties recognize that the licensee holds a current permit to fire a saluting cannon on specified dates and Friday evenings at sunset between April 1 and November 30, 2015, and that the permit from MPD's Harbor Master allows for an exception to the noise restrictions in Title 25-725 provided that the licensee (1) locate the cannon on its B-dock landing, (2) point the cannon toward the 14th Street bridge, and (3) advise in writing the GPSA and POWYC. Further, the Licensee shall also (1) alert nearby persons in advance of the cannon firing either by the rapid ringing of a bell for a ten second duration from the CYC clubhouse, a horn or whistle blast, or by oral notification. The advance notification will occur five minutes before the cannon fires; (2) obtain a renewal permit each year from the MPD Harbor Patrol and (3) notify in writing the relevant owners/managers/representatives of residential buildings, hotels, restaurants and other establishments as the (new) buildings are occupied (as a result of the Southwest waterfront development) about the practice of firing the saluting cannon and the cannon firing schedule.

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 Cooperative Agreement and Board Order are expressly reaffirmed and remain in full force and effect.

FOR Advisory Neighborhood Commission 6D:		FOR LICENSEE, Capital Yacht Club:	
 Roger Moffatt, Chair, ANC6D	 DATE	 Freddi Lipstein Commodore	 DATE
 Coralie Farlee, Chair, ABC Committee cfarlee@mindspring.com	 DATE		

★ ★ ★
ANC 6D

Near Southeast/Southwest
Advisory Neighborhood Commission 6D

1101 Fourth Street, SW
Suite W 130
Washington, DC 20024
202.554.1795
Email: office@anc6d.org
Website: www.anc6d.org

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

ALCOHOL BEVERAGE CONTROL BOARD
RECORDS SECTION
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JUL 13 2015
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OFFICERS

Chairperson
Roger Moffatt
Vice Chairperson
Andy Litsky
Secretary
Stacy Clayd
Treasurer
Meredith Fascett

Re: ANC6D recommendation for Amendment #1 to Cooperative Agreement dated 11/10/14 for Capital Yacht Club, t/a The Capital Yacht Club (CYC) in SW, Washington DC, License Class CX #001324

Dear Ms. Miller:

At its regularly scheduled, properly noticed meeting on July 13, 2015, with a quorum present, the Advisory Neighborhood Commission 6D voted 7 to 0 to 0 to recommend Amendment 1 of the existing Cooperative Agreement dated November 10, 2014, and approved by ABC Board Order on December 3, 2014 for the Capital Yacht Club, t/a The Capital Yacht Club (CYC) at 660 Water Street, SW, Washington, DC.


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 ANC acknowledges that the tradition of firing a cannon salute is important to the members of the CYC, and that the licensee pledges that neighbors and close establishments have been or will be informed of this practice in advance of the firings. Amendment 1 to the Cooperative Agreement incorporating these provisions is attached.

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

Sincerely,


Roger Moffatt, Chair
ANC6D


Coralie Farlee, Chair
ABC Committee, ANC6D

Cc: Martha Jenkins

Attachment: Amendment 1 to CA