

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

In the Matter of:

The Old Naval Hospital Foundation
t/a Hill Center

Holder of a
Retailer's Class CX Multipurpose Facility License

) License No. ABRA-086926

) Order No. 2013-281

at premises
921 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

The Old Naval Hospital Foundation, t/a Hill Center (Licensee)

Brian Flahaven, Chairperson, on behalf of Advisory Neighborhood Commission (ANC)
6B

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Mike Silverstein, Member
Herman Jones, Member

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that The Old Naval Hospital Foundation, t/a Hill Center, (Licensee), and ANC 6B have entered into a Settlement Agreement (Agreement), dated May 19, 2013, that governs the operation of the Licensee's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Brian Flahaven, on behalf of ANC 6B, are signatories to the Agreement.

**The Old Naval Hospital Foundation
t/a Hill Center
License No. ABRA-086926
Page 2**

Accordingly, it is this 12th day of June, 2013, **ORDERED** that:

1. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
2. Copies of this Order shall be sent to the Licensee and ANC 6B.

**The Old Naval Hospital Foundation
t/a Hill Center
License No. ABRA-086926
Page 3**

District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



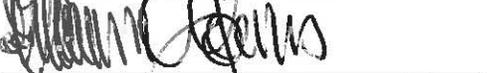
Nick Alberti, Member



Donald Brooks, Member



Mike Silverstein, Member



Herman Jones, 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 (COOPERATIVE) AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is made on this 17 day of May, 2013 by and between The Old Naval Hospital Foundation, t/a Hill Center ("Applicant"), and Advisory Neighborhood Commission 6B, (Collectively, the "Parties").

WITNESSETH

WHEREAS, Applicant's application for a license for premises, 921 Pennsylvania Avenue SE, Washington, DC, 20003, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC, and,

WHEREAS, the Parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "CX" Multi-Purpose Liquor License, with a Summer Garden and an entertainment endorsement at the subject premises; and,

WHEREAS, the Parties are desirous of entering into a Settlement Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to promote the peace, order and quiet of the neighborhood. Both parties recognize the importance of business neighborhoods that are safe, clean, and "pedestrian friendly".

NOW, THEREFORE, the parties agree as follows:

1. ***Recitals Incorporated.*** The recitals set forth above are incorporated herein by reference.
2. ***Nature of the Business.*** The Applicant will manage and operate a class "CX" Multiple Purpose ABC license at the listed address, excluding the area commonly known as the Carriage House and the summer garden adjacent to the north side of the Carriage House. The Applicant will host special events such as weddings and meetings both inside the building and on the grounds surrounding the building. There will be occasional dancing, with a DJ and live music provided by small bands.
3. ***Hours of Operation and Sales.*** The Applicant's hours of operation shall be as follows:
 - i. ***Hours of Operation (inside)***
 1. Sunday through Thursday 7:00 a.m. – 2:00 a.m.
 2. Friday and Saturday 7:00 a.m. – 3:00 a.m.
 - ii. ***Hours of Sales and Service (inside)***
 1. Sunday through Thursday 7:00 a.m. – 1:00 a.m.
 2. Friday and Saturday 7:00 a.m. – 2:00 a.m.

iii. *Entertainment Hours (inside)*

1. Sunday through Thursday 7:00 a.m. – 1:00 a.m.
2. Friday and Saturday 7:00 a.m. – 2:00 a.m.

iv. *Summer Garden Hours of Operation*

1. Sunday through Saturday 7:00 a.m. – 10 p.m.

v. *Summer Garden Hours of Sales and Service*

1. Sunday through Thursday 7:00 a.m. – 9:00 p.m.
2. Friday and Saturday 7:00 a.m. – 10:00 p.m.

vi. *Summer Garden Entertainment Hours*

1. Sunday through Thursday 7:00 a.m. – 8:00 p.m.
2. Friday and Saturday 7:00 a.m. – 9:00 p.m.

In addition, the capacity at Summer Garden events ending after 8:00 p.m. will be limited to no more than 300 patrons. Daytime capacity in the summer garden will be 500 patrons.

4. ***Floors Utilized and Occupancy.*** The Applicant will operate its establishment according to the occupancy indicated on the Certificate of Occupancy issued by the Department of Consumer and Regulatory Affairs.
5. ***Noise and Privacy.*** Applicant will strictly comply with D.C. Official Code § 25-725 and to that end shall maintain architectural improvements to the property and take all necessary actions to ensure compliance with § 25-725 at all times. Applicant agrees to keep its doors and windows closed when music is being played at the establishment. If necessary, Applicant will take reasonable steps to reduce noise emanating from the Establishment from the opening of the entry or exit doors.
6. ***Parking.*** Applicant will provide valet parking for a scheduled event that is reasonably expected to bring more than 30 cars. Applicant will monitor the valet service to ensure no cars are parked on public streets.
7. ***Public Space and Trash.*** Applicant shall keep the sidewalk (up to and including the curb), tree box(es), curb, and alley 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 the enclosed dumpster is kept clean at all times. Applicant will ensure timely disposal that is the least disruptive to the neighbors. Commercial trash pickup in residential areas takes place between 7:00 a.m.-7:00 p.m.
8. ***Rats and Vermin Control.*** The Applicant shall provide rat and vermin control for its property. Applicant shall provide proof of its rat and vermin control contract upon the request of the Board. Applicant shall have the Establishment and the area around the

Premises properly cleaned at the end of each night to ensure that there are no garbage and odors present the following morning.

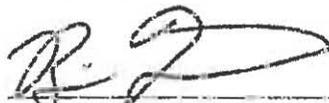
- 9. **Security Cooperation in Stemming Illegal Drugs and Public Drinking.** Applicant agrees that it shall take all necessary steps to minimize such problems, including, without limitation, designating a sufficient number of employees to assure adequate security and to control unruly patrons, whether inside or in the immediate outside area; monitoring for and prohibiting sales or use of illegal drugs within or about the Premises, maintaining contact and cooperating with MPD and other enforcement officials when known or suspected drug activities occur. Applicant shall to the full extent permissible by law discourage loitering in the vicinity of the Premises.
- 10. **Compliance with ABRA Regulations.** Applicant promises that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licensees.

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.

Applicant: The Old Naval Hospital Foundation
 1/a Hill Center
 Mary (Nicky) E. Cymrot, President
 ABRA-086926
 921 Pennsylvania Ave., SE
 Washington, DC 20003
 202-549-4172


 Date: May 9, 2013

ANC: Advisory Neighborhood Commission
 921 Pennsylvania Ave, SE
 Washington, DC 20003
 Brian Flahaven, Chairperson
 (202) 543-3344
 Fax (202) 543-3507


 Date: 5/17/13

ANC 6B

Capitol Hill / Southeast

921 Pennsylvania Avenue SE
Suite 305
Washington, DC 20003-2141
202-543-3344 (office)
202-543-3507 (fax)
office@anc6b.org

Executive Director
Susan Eads Role

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Brian Flahaven

Vice-Chair
Ivan Frishberg

Secretary
Philip Peisch

Treasurer
Brian Pate

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Nichole Opkins

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SMD 7 *Sara Loveland*
SMD 8 *Chandler Jeyarajan*
SMD 9 *Brian Flahaven*
SMD 10 *Francis Campbell*

May 19, 2013

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

VIA E-MAIL: sarah.fashbaugh@dc.gov

RE: ABRA-086926, Hill Center, 921 Pennsylvania Avenue SE, License Renewal

Dear Ms. Miller:

At its regularly called, properly noticed meeting on May 14, 2013, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 10-0 in support of the above-referenced request.

For your review and approval, please find enclosed a Settlement Agreement, which was executed by both parties.

Please contact ANC 6B's Executive Director Susan Eads Role if you have questions or need further information. Thank you.

Sincerely,



Brian Flahaven
Chair

Enclosure