

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

| | | |
|---------------------------------|---|-------------------------|
| In the Matter of: |) | |
| |) | |
| Hill Country DC, LLC |) | |
| t/a Hill Country Homestand |) | |
| |) | |
| Applicant for a New |) | License No. ABRA-099056 |
| Retailer's Class CT License |) | Order No. 2015-357 |
| |) | |
| at premises |) | |
| 1244 South Capitol Street, S.E. |) | |
| Washington, D.C. 20003 |) | |
| |) | |

Hill Country DC, LLC, t/a Hill Country Homestand (Applicant)

Roger Moffatt and Dr. Coralie Farlee, 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 COOPERATIVE AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Hill Country DC, LLC, t/a Hill Country Homestand, Applicant for a new Retailer's Class CT License, located at 1244 South Capitol Street, S.E., Washington, D.C., and ANC 6D have entered into a Cooperative Agreement (Agreement), dated June 8, 2015, 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 Roger Moffatt and Dr. Coralie Farlee, on behalf of ANC 6D, are signatories to the Agreement.

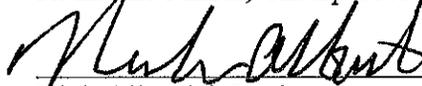
Accordingly, it is this 15th day of July, 2015, **ORDERED** that:

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

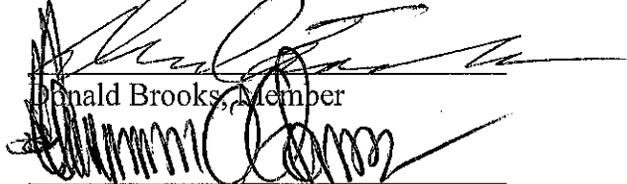
District of Columbia
Alcoholic Beverage Control Board



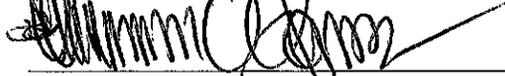
Ruthanne Miller, Chairperson



Nick Alberti, Member



Donald Brooks, Member



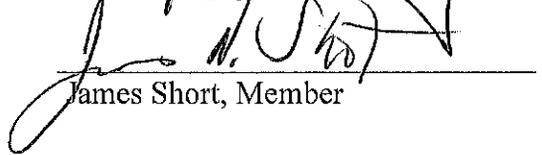
Herman Jones, Member



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**

ALCOHOLIC BEVERAGE
REGULATION ADMIN
11014th Street SW, Suite W199, Washington, DC 20024
ANC Office: 202-554-1795 FAX: 202-554-1074
office@anc6d.org

ABRA

COOPERATIVE AGREEMENT

THIS COOPERATIVE AGREEMENT ("Agreement") is made on this 8th day of June 2015 by and between Hill Country DC LLC t/a Hill Country Homestand ("Applicant"), at 1244 South Capitol Street, SE, CT License # 099056 and Advisory Neighborhood Commission 6D ("the Protestants"), (collectively, the "Parties").

PREAMBLE

Through this agreement both parties aim to create an environment in which the Applicant may operate as a viable contributing establishment in the ANC6D community.

WITNES ETH

WHEREAS, Applicant has applied for a License Class CT for a business establishment ("Establishment") serving spirits, beer and wine in an open air summer garden area located at 1244 South Capitol Street, SE, Washington, D.C. 20003 ("Premises"); and

WHEREAS, the Applicant agrees to work regularly with ANC6D and its representatives, other neighborhood organizations, and residents to ensure that the business operations facilitate the enjoyment of the surrounding neighborhood; and

WHEREAS, the Parties are desirous of entering into a Cooperative Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to minimize the effect, within the ANC, on (1) the effect of the establishment on peace, order, and quiet, including the noise and litter provisions set forth in §§ 25-725 and 25-726; and (2) The effect of the establishment upon residential parking needs and vehicular and pedestrian safety, and to eliminate the need for the ANC to lodge a protest of the license application; and

WHEREAS, all parties believe that the statements and provisions contained in this agreement are reasonable and shall become wholly integrated into the day-to-day operation of the Establishment. The Parties agree that any change in operations is considered of great concern which they may bring to the attention of the ABC Board. The Parties acknowledge that any substantial change in operations requires prior approval by the ABC Board; and

WHEREAS, the Parties have agreed to enter into this Agreement and request that the

Alcoholic Beverage Control Board (“ABC Board”) approve the Applicant’s license application conditioned upon the Applicant’s compliance with the terms of this written Agreement; and

NOW, THEREFORE, in consideration of the recitals set forth above and the mutual covenants and conditions set forth below, 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 summer/seasonal tavern serving a barbecue-style food menu and spirits, wine, beer and non-alcoholic beverages. All food is cooked off site and trucked to the site on the day of the event. There shall be no live music or live entertainment.

3. ***Hours of Operation and Sales.***

The Applicant’s hours of **operation and hours for sale, service and consumption of alcohol** shall be as follows: Sunday through Saturday: 10:00 a.m. to 12:00 a.m. except that opening may be at 9:00 a.m. on days when there is a “Nationals” home game that begins before 12 noon.

Provided that: (a) on days designated by the DC ABC Board as “Holiday Extension of Hours” or Daylight Savings Time Extension of Hours applicant may avail itself of the extended hours so provided; (b) in the event the Council of the District of Columbia or the ABC Board grants licensees in general extended operating hours (such as for Inauguration) applicant may avail itself of such extended hours; and (c) on January 1 of each year applicant may operate until 4:00a.m. Consistent with Alcoholic Beverage Control Board interpretations, “closing hours” shall be construed as the hours at which no patrons shall remain on the premises.

4. ***Floors Utilized and Occupancy.*** The Applicant will operate its establishment on the ground consisting of approximately 14,400 square feet. The Certificate of Occupancy (or temporary Special Events Permit) will state the seating and occupant load; however, the Establishment shall not exceed a total occupancy of 499, with seating for 144 patrons. Security personnel shall monitor the perimeter fence during all hours of operation in order to ensure that access to, and egress from, the premises is controlled at all points.

5. ***Sidewalk Cafe.*** The entire Establishment is an open air “sidewalk café” with a maximum occupancy not to exceed 499. The entire area shall be enclosed by fencing not less than 5’ in height to delineate the space designated for the Establishment from the adjacent public areas. These barriers may include such things as shrubbery or fencing with vines; or bushes, vines or trees in planters.

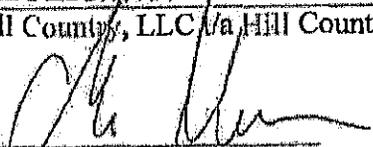
No beverage containers, cups, bottles/cans, etc. shall be permitted outside of or to leave the Establishment regardless of content.

10. **License Ownership and Compliance with ABRA Regulations.** Applicant promises to Protestants 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, and agrees that Protestants shall have standing to ask the ABC Board to enforce any violations of the agreement.
11. **Participation in the Community.** Applicant agrees to seek to maintain open communication with the Protestants, and the community for which the ANC acts.
12. **Notice and Opportunity to Cure.** 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 Applicant or 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 filing a complaint with the ABC Board pursuant to D.C. Official Code § 25-446(e).

If to Applicant: Hill Country LLC, t/a Hill Country Homestead
 410 7th Street, NW
 Washington, DC 20004
 Attn: Chris Schaller, Director of Operations
 Phone: 202-556-2041 e-mail: cschaller@hillcountrywdc.com

If to Protestants: Advisory Neighborhood Commission 6D
 1101 4th Street, SW, Suite W130
 Washington, DC 20024
 Attn: Chair, ANC
 Phone: (202) 202 554-1795
 Fax (202) 202 554-1774
 e-mail: office@ANC6D.org

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.

| PROTESTANT: | APPLICANT: |
|--|---|
| Chair, ANC6D | Hill Country, LLC t/a Hill Country Homestead |
| _____ Roger Moffatt, SMD05 Chair, ABC Committee, ANC6D |  By: Marc Glosserman |
| _____ Coralie Farlee cfarlee@mindspring.com | 06/04/15 Date Managing Member |
| _____ Date | |
| _____ Date | |

10. **License Ownership and Compliance with ABRA Regulations.** Applicant promises to Protestants 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, and agrees that Protestants shall have standing to ask the ABC Board to enforce any violations of the agreement.
11. **Participation in the Community.** Applicant agrees to seek to maintain open communication with the Protestants, and the community for which the ANC acts.
12. **Notice and Opportunity to Cure.** 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 Applicant or 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 filing a complaint with the ABC Board pursuant to D.C. Official Code § 25-446(e).

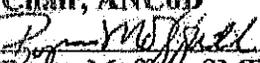
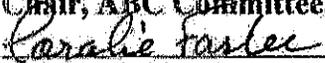
If to Applicant: Hill Country LLC, t/a Hill Country Homestand
 410 7th Street, SE
 Washington, DC 20004
 Attn: Chris Schaller, Director of Operations
 Phone: 202-556-2041 e-mail: cschaller@hillcountrywdc.com

If to Protestants: Advisory Neighborhood Commission 6D
 1101 4th Street, SW, Suite W130
 Washington, DC 20024
 Attn: Chair, ANC
 Phone: (202) 202 554-1795
 Fax (202) 202 554-1774
 e-mail: office@ANC6D.org

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.

PROTESTANT:

APPLICANT:

| | |
|--|---|
| <p>Chair, ANC6D  Roger Moffatt, SMD05 Date 6/8/15</p> <p>Chair, ABC Committee, ANC6D  Coralie Farlee Date 6/8/15 cfarlee@mindspring.com</p> | <p>Hill Country, LLC t/a Hill Country Homestand</p> <p>By: Marc Glosserman Managing Member Date</p> |
|--|---|

★ ★ ★
ANC 6D

Near Southeast/Southwest

Advisory Neighborhood Commission 6D

ALCOHOLIC BEVERAGE
REGULATION ADMIN

JUN -9 A 10:14

ABRA

June 8, 2015

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

OFFICERS

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

Re: ANC6D recommendation for new Cooperative Agreement and support for Stipulated license for Hill Country DC LLC t/a Hill Country Homestead, at 1244 South Capitol Street, SE, License Class CT #099056

Dear Ms. Miller:

At its regularly scheduled, properly noticed meeting on June 8, 2015, with a quorum present, the Advisory Neighborhood Commission 6D voted 6 to 0 to 0 to recommend the new license and Cooperative Agreement for Hill Country Homestead at 1244 South Capitol Street, SE. At that same meeting, the ANC6D also voted 6 to 0 to 0 to support the licensee's request for a Stipulated license.

COMMISSIONERS

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

The business has been open for several weeks offering barbecue style food and soft drinks and plans to be open primarily on days of "The Nationals" home games and selected other special events.

The Applicant is requesting a stipulated license in order to have the business fully operational as soon as possible for seasonal events. The ANC6D supports the applicant's request for stipulated license. A new Cooperative Agreement 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
Stephen O'Brien, Attorney

Attachment: CA