

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

In the Matter of:)
)
400 E Street, NW, LLC)
t/a Hyatt Place Washington DC/National Mall)
)
Applicant for a New)
Retailer's Class CH License)
)
at premises)
400 E Street, S.W.)
Washington, D.C. 20024)
_____)

License No. ABRA-099158
Order No. 2015-368

400 E Street, NW, LLC, t/a Hyatt Place Washington DC/National Mall (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 400 E Street, NW, LLC, t/a Hyatt Place Washington DC/National Mall, Applicant for a new Retailer's Class CH License, located at 400 E Street, S.W., Washington, D.C., and ANC 6D have entered into a Cooperative Agreement (Agreement), dated July 13, 20145, 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 29th 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, except for the following modification:

Section 11 (License Ownership and Compliance with ABRA Regulations) – The following language shall be removed: “Applicant also specifically agrees to be the sole owner of the ABC license.”

The parties have agreed to this modification.

2. Copies of this Order shall be sent to the Applicant and ANC 6D.

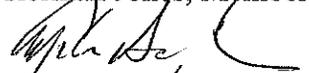
District of Columbia
Alcoholic Beverage Control Board

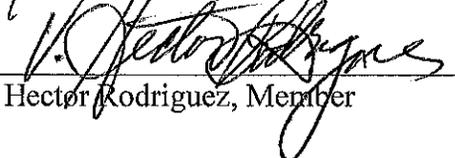

Ruthanne Miller, Chairperson


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).



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

COOPERATIVE AGREEMENT

THIS COOPERATIVE AGREEMENT ("Agreement") is made on this 13th day of July 2015 by and between 400 E Street SW LLC, t/a Hyatt Place Washington DC/National Mall ("Applicant"), at 400 E Street, SW, License Class CH #099158 and Advisory Neighborhood Commission 6D ("The ANC"), (collectively, the "Parties").

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 ANC6D

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 CH for a business hotel establishment ("Establishment") serving spirits, wine, and beer, with indoor space, two summer gardens, conference rooms, outdoor pool, and entertainment endorsement located at 400 E Street, SW, Washington, D.C. 20024 ("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 a Protest Hearing regarding 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. Any change from this model shall be of great concern to the parties which they may bring to the ABC Board's attention; 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 Hotel Establishment with 214 sleeping rooms which are on floors three (3) through twelve (12); one restaurant and two summer gardens, each serving spirits, wine, and beer, with a limited self-service buffet food menu provided in the third floor restaurant and full twenty-four (24) hours/seven (7) days per week made-to-order food menu. The Establishment will have an Entertainment endorsement for DJ and live music in the thirteenth (13th) floor rooftop terrace, third (3rd) floor restaurant, third floor pool, and second (2nd) floor conference rooms.

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

The Applicant’s **hours of operation of the hotel, sleeping rooms and parking areas** shall be twenty-four (24) hours daily, Sunday through Saturday, with 24/7 made-to-order food menu.

The Applicant’s hours for operation of and selling, serving and consumption of alcohol in the **restaurant, third floor terrace summer garden, and thirteenth floor rooftop summer garden** shall be as follows:

Sunday through Thursday, 8 a.m. – 2 a.m.,
Friday and Saturday, 8 a.m. – 3 a.m.

The Applicant’s hours of **Entertainment** throughout the public meeting spaces of the hotel will include third floor restaurant, third floor pool area, second floor meeting spaces, and both summer garden spaces (third floor terrace and thirteenth floor rooftop) shall be as follows:

Sunday through Thursday, 6 p.m. to 2 a.m.,
Friday and Saturday, 6 p.m. to 3 a.m.

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.

In accordance with Title 25, 206.1(a) the Applicant may sell and serve alcoholic beverages in closed containers at any time in the private rooms of their registered guests.

4. **Floors Utilized and Occupancy.** The Applicant will operate its hotel establishment on thirteen floors and two levels of parking below the building. The Establishment will have a total sleeping room occupancy of 214 rooms; there will be an occupancy of 46 persons in the third floor terrace summer garden and an occupancy of 108 in the rooftop terrace summer garden. Food will be available at the self-service buffet on the third floor on Monday to Friday from 6:30 a.m. to 9:30 a.m. and on Saturday and Sunday from 7:00 a.m. to 10:00 a.m. There will be a 24/7 made-to-order menu available.
5. **Parking Arrangements.** It is a concern of the ANC that the Applicant's operation of the Establishment does not create or exacerbate parking problems within the ANC. The Applicant shall notify patrons (through a website or other means) that there is limited street parking in the vicinity and shall provide information about public transportation. There will be two and one half (2 ½) levels of paid valet parking below the hotel.
6. **Summer Gardens.** Applicant plans to provide two Summer Gardens: the third floor terrace summer garden will have an occupancy of 46 persons; the thirteenth floor rooftop summer garden will have a capacity of 108 persons.
7. **Noise and Privacy.** Applicant shall strictly comply with D.C. Official Code § 25-725 and to that end shall use various means including making architectural improvements to the property and take all necessary actions to ensure that music, noise and vibration from the Establishment are not audible in any residential premises other than the licensed establishment.

Licensee shall receive all deliveries of food, beverages, and supplies during hours between 5:00 a.m. and 7:00 p.m. Mondays to Saturdays. No deliveries excepting fresh bread products shall be accepted on Sundays.
8. **Public Space and Trash.** The Licensee will take all reasonable measures to ensure that that the immediate environs of the premises are kept free of litter and debris. "Immediate environs" is defined by ABC Regulations as including: "all property on which the premises are located; all property used by the licensee to conduct its business, whether part of the premises or not, including sidewalks or other public property immediately adjacent to the premises or adjacent to the property used by the licensee to conduct its business."
9. **Rats and Vermin Control.** The Applicant shall provide rat and vermin control for its 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 no garbage or odors present the following morning.

10. ***Security Cooperation in Stemming Illegal Drugs and Public Drinking.*** Applicant shall take all necessary steps to minimize problems of illegal drugs and public drinking, including, at all times a trained employee on site, 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. Applicant shall cooperate with MPD in the investigation of criminal offenses within and immediately around the business. The applicant shall secure all crime scenes to the best of its ability and shall not contaminate, destroy, alter or clean any crime scene until authorized to do so by the lead MPD official on the scene of the offense.

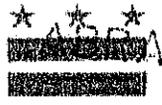
Applicant shall have recording cameras of good photographic quality which maintain information for at least 30 days. These recordings shall be made available to representatives of ABRA or MPD.

11. ***License Ownership and Compliance with ABRA Regulations.*** Applicant promises to the ANC 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 the ANC shall have standing to ask the ABC Board to enforce any violations of the agreement. Applicant also specifically agrees to be the sole owner of the ABC license.
12. ***Participation in the Community.*** Applicant agrees to seek to maintain open communication with the ANC and the community for which the ANC acts.
13. ***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.

If to Applicant: 400 E Street SW LLC t/a Hyatt Place Washington, DC/National
Mall, 400 E Street, SW
Washington, DC 20024
Attn: Geoffrey H. Griffis, Managing Member
(202) 265-2489
e-mail: ggriffis@citypartnersdc.com

REGULATION ADMINISTRATION

2015 JUL 14 A 11:29 ME



ANC 6D

Near Southeast/Southwest Advisory Neighborhood Commission 6D

July 13, 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 license and Cooperative Agreement for 400 E Street, SW, t/a Hyatt Place Washington DC/National Mall, License Class CH #099158

Dear Ms. Miller:

At its regularly scheduled, properly noticed meeting on July 13, 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 400 E Street, SW, t/a Hyatt Place Washington DC/National Mall.

The ANC views this new establishment as an important addition to the Southwest DC community.

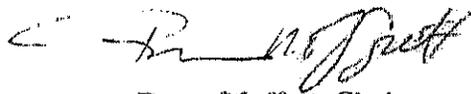
COMMISSIONERS

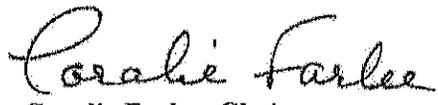
- SMD 1 *Marjorie Lightman*
- SMD 2 *Stacy Cloyd*
- SMD 3 *Rachel Reilly Carroll*
- SMD 4 *Andy Litsky*
- SMD 5 *Roger Moffatt*
- SMD 6 *Rhonda Hamilton*
- SMD 7 *Meredith Fascett*

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, if you have any questions or concerns.

Sincerely,


Roger Moffatt, Chair
 ANC6D


Coralie Farlee, Chair
 ABC Committee, ANC6D

✓ Cc: Martha Jenkins

Attachment: CA