

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

In the Matter of:)	
)	
Spirit Cruises, LLC)	
t/a Spirit of Mt. Vernon- Marine Vessel #1)	License Nos.: ABRA-077414
Spirit of Washington - Marine Vessel #2)	ABRA-077414-2
Spirit Cruises Capital Elite - Marine Vessel #3)	ABRA-077414-3
Spirit Cruises Natural Elite - Marine Vessel #4)	ABRA-077414-4
)	Order No.: 2019-358
Retailer's Class DX Marine Vessel Line License)	
(Four Marine Vessels))	
)	
at premises)	
600 Water Street, SW)	
Washington, D.C. 20024)	

Spirit Cruises, LLC, Licensee

Commissioner Gail Fast and Dr. Coralie Farlee, on behalf of Advisory Neighborhood Commission (ANC) 6D

BEFORE: Donovan Anderson, Chairperson
Mike Silverstein, Member
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member

ORDER ON COOPERATIVE AGREEMENT

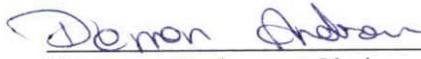
The official records of the Alcoholic Beverage Control Board (Board) reflect that Spirit Cruises, LLC (Licensee), and ANC 6D entered into a Cooperative Agreement (Agreement), dated May 13, 2019, in accordance with D.C. Official Code § 25-446 (2001).

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Commissioner Gail Fast and Dr. Coralie Farlee, on behalf of ANC 6D, are signatories to the Agreement.

Accordingly, it is this 15th day of May, 2019, **ORDERED** that:

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

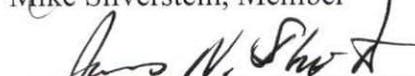
District of Columbia
Alcoholic Beverage Control Board



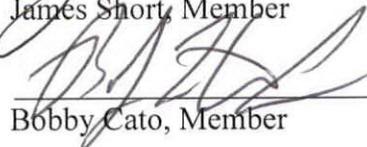
Donovan Anderson, Chairperson



Mike Silverstein, Member



James Short, Member



Bobby Cato, Member

Rema Wahabzadah, 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).

**Spirit Cruises, LLC t/a Spirit of Mt. Vernon(#1), Spirit of Washington (#2), Capital Elite (#3), and National Elite (#4)
(Retailer's Class CX License No. ABRA-077414 and ANC6D,
May 2019**

★ ★ ★ Advisory Neighborhood Commission 6D
[Redacted]
[Redacted]

11044th Street SW, Suite W130 • Washington, DC 20024
ANC Office: 202 554-1795 office@anc6d.org

COOPERATIVE AGREEMENT

This COOPERATIVE AGREEMENT replaces and supersedes the Voluntary Agreement between Spirit Cruises, LLC t/a Spirit of Mount Vernon, 600 Water Street, SW, Pier 4, License ABRA 077414; Spirit Cruises LLC t/a Spirit of Washington, 600 Water Street, SW, Pier 4, License No. ABRA 077416; and Spirit Cruises, LLC, t/a The Capital Elite, 600 Water Street, SW, Pier 4, License No. ABRA 077418; Voluntary Agreement dated July 12, 2010 approved and executed by ABC by ABC Board Order 2010-399, July 21, 2010, and all subsequent amendments thereto.

THIS COOPERATIVE AGREEMENT ("Agreement") is made on this 13th day of May 2019 by and between Spirit Cruises, LLC "Establishment" t/a Spirit of Mt. Vernon (#1), Spirit of Washington (#2), Capital Elite (#3), and National Elite (#4), 600 Water Street, SW, Washington, DC 20024 ("Licensee") and Advisory Neighborhood Commission 6D ("ANC"), (collectively, the "Parties"). This agreement is for Class CX License #077414 to include the four marine vessels listed immediately above which are docked at and load at 600 Water Street, SW, Washington, DC 20024.

WITNESETH

WHEREAS, Spirit Cruises, LLC holds License Class CX #077414 with no endorsements for each of four (4) marine vessels operating under the Spirit Cruises, LLC at 600 Water Street, SW, Washington, DC 20024. The four marine vessels are: Spirit of Mount Vernon #1; Spirit of Washington #2; Capital Elite #3; and National Elite #4.

WHEREAS, the Parties have agreed to enter into this Agreement and request that the Alcoholic Beverage Control Board ("ABC Board") approve the license renewal for Retailer's Class CX ABC license (#077414) conditioned upon the Licensee's compliance with the terms of this written Agreement; 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 Licensee's business in such a manner as to minimize the effect on the peace, order and quiet of the neighborhood, and to eliminate the need for a Protest Hearing regarding the license renewal.

Spirit Cruises, LLC t/a Spirit of Mt. Vernon(#1), Spirit of Washington (#2), Capital Elite (#3), and National Elite (#4)
(Retailer's Class CX License No. ABRA-077414 and ANC6D,
May 2019

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 Licensee manages and operates four marine vessels (#1, #2, #3, #4) which offer food and alcohol service with no endorsements while cruising the waters of the Potomac River, The SW Washington Channel, and the Anacostia River during approximately a total of 1400 roundtrips annually from Pier 4.

Alcohol service is available during each trip. No passenger is permitted to disembark with alcoholic beverages. Gambling is not allowed but game nights with no monetary prizes are allowed.

3. **Hours of Operation.**
The Licensee's hours of operation and sales, service, and consumption of alcoholic beverages shall not exceed:
Sunday through Saturday, 8:00 a.m. to 2:00 a.m.
4. **Floors Utilized and Occupancy.** The Licensee currently manages and operates four marine vessels: Spirit of Mount Vernon (#1) with total occupancy load of 600; Spirit of Washington (#2) with total occupancy load of 600; Capital Elite (#3) with total occupancy load of 126; and National Elite (#4) total occupancy load of 149.
5. **Sidewalk Café.** There is no sidewalk café; no food or alcohol service shall be available in the pre-boarding or waiting areas.
6. **Noise and Privacy.** Licensee will strictly comply with all D.C. statutes and regulations governing generation of noise. Music piped to any exterior area of the vessels shall be limited to ambient background levels. Music on the vessels may need to be reduced while in the Washington Channel to ensure these requirements are met.

Licensee shall endeavor to minimize operation of the vessels' engines while docked. However, the parties acknowledge that engines must be

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(Retailer's Class CX License No. ABRA-077414 and ANC6D,
May 2019

operated in order to power cooking on the vessels and that cooking often is undertaken prior to departure of cruises and upon return to dock (in preparation for the next cruise).

Licensee agrees further that at the end of each cruise after 9:00 p.m. it shall request passengers exit the vessel quietly in deference to neighborhood residents.

Licensee shall receive all deliveries of food, beverages, and supplies during hours between 6:00 a.m. and 7:00 p.m.

7. ***Parking/Valet and Bus Arrangements.*** It is a principal concern of the ANC that the Licensee's operation of the Establishment does not create or exacerbate parking problems within the ANC boundaries. To resolve these problems, the licensee agrees to the following:
 - a. Provide information to potential patrons, on a website or other means, that there is very limited parking available in the area and that public transportation by several means of transportation -- including Metrorail, Metrobus, and shuttles -- is very convenient.
 - b. Regarding any and all busses used in the transport of Licensee's passengers, the Licensee agrees that it shall take the following steps to discourage idling as that term is defined in DCMR Title 20, Chapter 9, by any and all buses used in the transport of Licensee's passengers:
 - (1) Provide bus operators and clients with information about DC idling laws especially as relevant to residential neighborhoods. The information shall include references to DC bus idling law in DCMR Title 20, Chapter 9 regarding bus idling as well as the penalty provisions in the law; it also shall incorporate the requirement that such busses park in DC approved bus holding or parking areas.
 - (2) Encourage bus operators to use DC approved bus parking, loading, and unloading locations.
 - c. Licensee agrees that it shall use a sufficient number of employees and signage for all cruises to assist in directing the vehicular and pedestrian traffic flow occasioned by Licensee's passengers.

8. ***Public Space and Trash.*** Licensee shall deposit or discard any litter, bottles, trash and other debris from the vessels only at the interior trash room designated by The Wharf management.

Spirit Cruises, LLC t/a Spirit of Mt. Vernon(#1), Spirit of Washington (#2), Capital Elite (#3), and National Elite (#4)
(Retailer's Class CX License No. ABRA-077414 and ANC6D,
May 2019

9. ***Compliance with Law: Emissions, Wakes.*** The Licensee shall comply with:
- All requirements of District of Columbia statutes or regulations regarding emissions controls applicable to passenger-carrying marine vessels engaged in interstate commerce.
 - All United States Coast Guard regulations or requirements regarding generation or control of wakes in the Washington Channel.

10. ***Security Cooperation in Stemming Illegal Drugs and Public Drinking.***
The ANC is concerned that the nature of the business of the Licensee will not pose security and crime issues. Licensee 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 any licensed vessel, maintaining contact and cooperating with the Harbor Patrol and /or Metropolitan Police Department, ABRA, and other enforcement officials when known or suspected drug activities occur.

Licensee shall check IDs of patrons who appear to be under the age of 25.

Licensee shall have recording cameras which cover Pier 4 and the customer entrance thereto and shall: (a) Maintain such cameras in operational condition; (b) Maintain camera footage of a crime of violence or a crime involving a gun for a minimum of 30 days; and (c) Make the security footage available within 48 hours upon the request of ABRA or the Metropolitan Police Department.

Licensee shall maintain a log on the marine vessels to record any security incidents and include in the log: the nature of the incident, who was involved, and how it was resolved (e.g., cruise terminated, MPD/Harbor Patrol contacted). These logs shall be made available to representatives of the MPD or ABRA on request. Licensee shall to the full extent permissible by law discourage loitering near the marine vessels and docks. While the ANC does not at this time envision any requirement for security officers at the time of the cruises, as indicated above, the Licensee shall ensure that there is no post-cruise activity continuing the docks and any persons who are congregating in that manner shall be asked to move along.

Licensee shall post signs at the exit of the marine vessels to inform patrons that no alcoholic beverages can be removed from the licensed

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May 2019

vessels. Licensee shall ensure that no containers, cups, bottles/cans, etc. regardless of content, shall be permitted to exit the marine vessels with a patron, and shall ensure that no alcoholic beverages are carried out of the marine vessels so that they can be consumed on public space or in a vehicle.

11. **License Ownership and Compliance with ABRA Regulations.** Licensee 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, and agrees that the ANC shall have standing to ask the ABC Board to enforce any violations of the agreement.
12. **Participation in the Community.** Licensee agrees to seek to maintain open communication with 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 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 which reasonably requires more than 30 days to cure) failure shall constitute a cause for the ANC to file a complaint with the ABC Board pursuant to D.C. Official Code § 25-446(2) in order to enforce the provisions of the Agreement. Unless otherwise noted above, any notices required to be made under this Agreement shall be in writing and mailed via certified mail, return receipt requested, postage prepaid, or hand-delivered, to the other parties to this Agreement at the following addresses. Notice shall be deemed given as of the time of receipt or refusal of receipt:

If to Licensee: Spirit Cruises, LLC t/a Spirit of Mount Vernon (#1),
Spirit of Washington (#2), Capital Elite (#3), and
National Elite (#4).
600 Water Street, SW
Attn: Dan Leaman
Phone: (202)264-3600
e-mail: dleaman@entertainmentcruises.com

Spirit Cruises, LLC t/a Spirit of Mt. Vernon(#1), Spirit of Washington (#2), Capital Elite (#3), and National Elite (#4)
(Retailer's Class CX License No. ABRA-077414 and ANC6D,
May 2019

If to ANC: Advisory Neighborhood Commission 6D
1101 Fourth Street, SW, Suite W130
Washington, DC 20024
Attn: Chair, ANC
(202) 202 554-1795

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.

12. **Protest.** Upon execution of this Agreement by the Parties and its acceptance by the ABC Board, ANC6D shall not protest the renewal of the license.

ANC:	LICENSEE:
<p>Chair, ANC6D</p> <p><i>Gail Fast</i> <u>5/13/19</u> Gail Fast, Commissioner Date ANC6D01</p>	<p>Spirit Cruises, LLC, t/a Spirit of Mt Vernon, Spirit of Washington, Capital Elite, and National Elite</p> <p>By: <i>D Leaman</i> <u>5/13/19</u> Dan Leaman Date General Manager</p>
<p>Chair, ABC Committee, ANC6D</p> <p><i>Coralie Farlee</i> <u>13 May 19</u> Coralie Farlee Date</p>	



Southwest / Navy Yard / Buzzard Point
Advisory Neighborhood Commission 6D

May 13, 2019

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

Donovan Anderson, Chair
c/o Martha Jenkins, General Counsel
Alcohol Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, DC 20009

OFFICERS

Chairperson
Gail Fast
Vice Chairperson
Andy Litsky
Secretary
Rhonda Hamilton
Treasurer
Ronald Collins

Re: ANC6D Support of renewal of Type CX Marine Vessel license for Spirit Cruises, LLC, t/a Spirit of Mt. Vernon (#1), Spirit of Washington (#2), Capital Elite (#3), and National Elite (#4), 600 Water Street, SW, ABRA #077414 on the condition that the licensee's petition to Amend or Terminate the existing agreement be withdrawn; PLUS revised/superseding Cooperative Agreement

Dear Mr. Anderson:

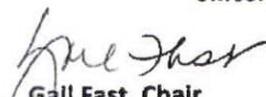
COMMISSIONERS

SMD 1 Gail Fast
SMD 2 Anna Forge
SMD 3 Ronald R. Collins
SMD 4 Andy Litsky
SMD 5 Anthony Dale
SMD 6 Rhonda Hamilton
SMD 7 Edward Daniels

At its properly noticed Special Meeting on May 13, 2019, with a quorum present, the Advisory Neighborhood Commission 6D voted 5 to 0 to 0 to support the renewal of the Type CX Marine Vessel license #077414 on the condition that the licensee's petition to Amend or Terminate the existing agreement be withdrawn; AND voted 5 to 0 to 0 to recommend that the ABC Board accept the attached superseding Cooperative Agreement for Spirit Cruises #077414, 600 Water Street, SW.

Please contact Dr. Coralie Farlee, cfarlee@mindspring.com, 202-554-4407, who is authorized to represent ANC6D in alcohol-related matters, or Gail Fast at (6D01@anc.dc.gov) if you have any questions or concerns.

Sincerely,


Gail Fast, Chair
ANC6D


Coralie Farlee, Chair
ABC Committee, ANC6D

Attachment: CA