

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

In the Matter of:)	
)	
Ft Del Mar DC, LLC)	
t/a Del Mar)	
)	
Applicant for a New)	License No.: ABRA-106119
Retailer's Class CR License)	Order No.: 2018-391
)	
at premises)	
791 Wharf Street, SW)	
Washington, D.C. 20024)	

Ft Del Mar DC, LLC, t/a Del Mar (Applicant)

Meredith Fascett and Dr. Coralie Farlee, on behalf of Advisory Neighborhood Commission (ANC) 6D

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Donald Isaac, Sr., Member
Bobby Cato, Member
Rema Wahabzadah, Member

ORDER ON FIRST AMENDMENT TO COOPERATIVE AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Ft Del Mar DC, LLC, t/a Del Mar (Licensee), and ANC 6D entered into a Cooperative Agreement (Agreement), dated June 12, 2017, 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 (First Amendment), dated June 11, 2018, in accordance with D.C. Official Code § 25-446 (2001).

The First Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Meredith Fascett and Dr. Coralie Farlee, on behalf of ANC 6D, are signatories to the First Amendment.

Accordingly, it is this 13th day of June, 2018, **ORDERED** that:

1. The above-referenced First Amendment to 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. All terms and conditions of the original Agreement, not amended by the First 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



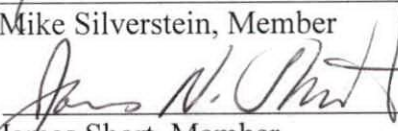
Donovan Anderson, Chairperson



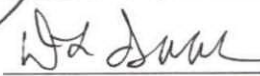
Nick Alberti, Member



Mike Silverstein, Member




James Short, Member



Donald Isaac, Sr., Member



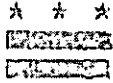
Bobby Cato, Member



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).



Advisory Neighborhood Commission 6D

1101 4th Street SW, Suite W130, Washington, DC 20024

ANC Office: 202 554-1795 office@anc6d.org

FIRST AMENDMENT TO COOPERATIVE AGREEMENT

THIS AMENDMENT #1 to the COOPERATIVE AGREEMENT ("Agreement") is made on this 11th day of June 2018 by and between Ft Del Mar DC LLC t/a ~~Del Mar~~ ("Licensee"), at 791 Wharf Street, SW, Washington, DC 20024 ABRA License #106119 and Advisory Neighborhood Commission 6D ("the ANC"), (collectively, the "Parties"). This amendment updates the Agreement dated June 12, 2017 and finalized by ABC Board Order 2017-361 dated June 14, 2017.

R E C I T A L S

WHEREAS, Licensee and ANC 6D entered into a new Cooperative Agreement dated June 12, 2017 for an establishment ("Establishment") at 791 Wharf Street, SW, Washington, D.C. 20024; and

WHEREAS, the original Cooperative Agreement dated June 12, 2017 provided for the following Floors Utilized and Occupancy:

The Applicant will operate its Establishments on the ground floor, second floor, and two summer gardens on the ground floor along Wharf Street and on the Yacht Club Piazza. The Certificate of Occupancy will state the seating and occupant load; however, the Establishment shall not exceed the total interior occupancy load of 615. The maximum number of seats on the "Cabana" ground floor summer garden is 25; and the maximum number of seats on the "Café Zone" ground floor summer garden is 45.

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 ABRA License; 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 Agreement as follows:

1. *Recitals Incorporated.* The recitals set forth above are incorporated herein by reference.

2. First WHEREAS paragraph is amended by replacing "two summer gardens" with "three summer gardens."

3. Paragraph 2, second sentence is stricken entirely and replaced with the following: "There shall be three summer gardens, two on the ground floor and the third on the second floor of the Establishment."

4. Paragraph 3 is replaced in its entirety by the following: "Floors Utilized and Occupancy: The Applicant will operate its Establishment on the ground floor, second floor, and three summer gardens, two of which are on the ground floor along Wharf Street and on the Yacht Club Piazza, and the third of which is on the second floor of the Establishment. The Certificate of Occupancy will state the seating and occupant load; however, the Establishment shall not exceed the total interior occupancy of 615. The maximum number of seats on the 'Cabana' ground floor summer garden is 25; the maximum number of seats on the 'Café Zone' ground floor summer garden is 45; and the maximum number of seats on the second floor summer garden is 48."

5. Paragraph 4, second sentence is amended by replacing "two summer gardens" with "three summer gardens."

6. Agreement Otherwise Unamended. Except as otherwise provided herein, the terms and conditions of the previously executed Cooperative Agreement, Board Order, and Licensee are expressly reaffirmed and remain in full force and effect.

The ANC:

LICENSEE:

<p>Chair, ANC6D</p> <p><i>Meredith Fascett</i> <u>6/11/18</u></p> <p>Meredith Fascett, SMD07 Date</p>	<p>Ft Del Mar DC LLC t/a Del Mar</p> <p><i>[Signature]</i></p> <p>By: _____ Date</p> <p>Fabio Trabocchi, Managing Member</p>
<p>Chair, ABC Committee, ANC6D</p> <p><i>Coralie Farlee</i> <u>6/11/18</u></p> <p>Coralie Farlee Date</p> <p>Chair, ABC Committee, ANC6D</p>	