

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

In the Matter of:)
)
DC Winery, LLC)
t/a District Winery/Ana Restaurant & Bar)
)
Holder of a)
Retailer's Class CT License)
)
at premises)
385 Water Street, SE)
Washington, D.C. 20003)
_____)

License No.: ABRA-098684
Order No.: 2018-128

DC Winery, LLC, t/a District Winery/Ana Restaurant & Bar (Licensee)

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 AMENDMENT TO COOPERATIVE AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that DC Winery, LLC, t/a District Winery/Ana Restaurant & Bar (Licensee), and ANC 6D entered into Cooperative Agreement (Agreement), dated June 8, 2015, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Cooperative Agreement (Amendment), dated March 19, 2018, in accordance with D.C. Official Code § 25-446 (2001).

The 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 Amendment.

Accordingly, it is this 28th day of March, 2018, **ORDERED** that:

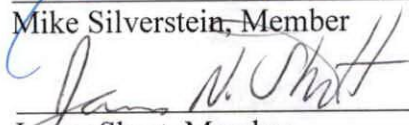
1. The above-referenced Amendment to Cooperative Agreement submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. All terms and conditions of the original Agreement, not amended by the Amendment, shall remain in 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**

11014th Street SW, Suite W130, Washington, DC 20024-
ANC Office: 202 554-1795 office@anc6d.org

AMENDMENT #1 TO COOPERATIVE AGREEMENT

THIS AMENDMENT TO COOPERATIVE AGREEMENT is made on this 19th day of March, 2018, by and between DC Winery, LLC t/a District Winery, 385 Water Street, SW, CT License #098684 (licensee) and Advisory Neighborhood Commission 6D (ANC6D) the ANC ("The ANC"), collectively, the Parties. This amendment modifies the Cooperative Agreement dated June 8, 2015, between District Winery and ANC6D finalized by ABC Board Order 2015-315, dated June 24, 2015.

RECITALS

WHEREAS, Licensee and ANC6D entered into new Cooperative Agreement dated June 8, 2015, for an establishment located at 385 Water Street, SW, Washington, D.C. 20003, and

WHEREAS, the Cooperative Agreement dated June 8, 2015, in paragraph 4, provided for 100 patrons in the first floor summer garden;

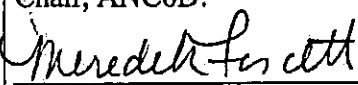
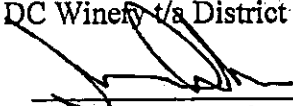
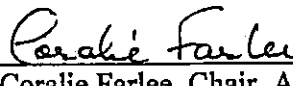
WHEREAS, the Parties request that the Alcoholic Beverage Control Board approve this Amendment #1 to Cooperative Agreement conditioned upon the Licensee's compliance with the terms of this written Amendment and the previously executed Cooperative Agreement and referenced Board Order and ABRA License; 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. The Cooperative Agreement is **modified as follows:**
 - a. In paragraph 4, "Summer Gardens," modify the **first floor summer garden** in four places: (1) add after the words "first floor summer garden" the following "which is on the south side of the building facing the Anacostia River"; (2) [line 1] "provide **occupancy** (instead of "seating") for no more than 100 patrons;" (3) [line 5] delete the words "(there shall be no . . .) **or standing patrons**"; and (4) add "the licensee shall maintain a pathway between this Summer Garden and the benches used by the public."
 - b. Add: **There will be a triangular-shaped third summer garden on the ground area (at the corner of the building at 385 Water Street, SE) the dimensions of which are 19'4" on the north side by 11' on the south side by 55'4" on the west side. This Summer Garden shall not exceed an occupancy of 60 patrons**

and shall be enclosed with appropriate barriers to delineate the space designated for the outdoor area from the adjacent public and other private areas, and may include such things as shrubbery or fencing with vines; bushes, vines or trees in planters. The hours of operation of the third summer garden shall be identical to those of the existing first floor summer garden, i.e., shall not exceed 11:00 p.m. weekdays and 12:00 a.m. weekends.

- 3. **Compliance with ABRA Regulations.** Licensee promises that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations and all other provisions applicable to liquor licenses.
- 4. **Agreement Otherwise Unamended.** Except as otherwise provided herein, the terms and conditions of the previously executed Cooperative Agreement, Amendment #1 to the Cooperative Agreement, Board Order, and License are expressly reaffirmed and remain in full force and effect.

FOR ANC6D		FOR LICENSEE	
Chair, ANC6D:		DC Winery t/a District Winery	
	<u>3/19/18</u>		<u>3/18/2018</u>
Meredith Fascett, ANC6D07	DATE	Brian Levanthal,	DATE
	<u>3/19/18</u>	Co-owner of	
Coralie Farlee, Chair, ABC Committee	DATE	Sean Alves	General Manager

