

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

In the Matter of:

L'Enfant DC Hotel, LLC
t/a Hilton Washington DC/National Mall

Applicant for a New
Retailer's Class B License

at premises
480 L'Enfant Plaza, SW
Washington, D.C. 20024

License No.: ABRA-117214
Order No.: 2020-1008

L'Enfant DC Hotel, LLC, t/a Hilton Washington DC/National Mall, Applicant

Gail Fast, Chairperson, on behalf of Advisory Neighborhood Commission (ANC) 6D

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ORDER ON COOPERATIVE AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that L'Enfant DC Hotel, LLC, t/a Hilton Washington DC/National Mall (Applicant), Applicant for a new Retailer's Class b License, and ANC 6D have entered into a Cooperative Agreement (Agreement), dated November 17, 2020, that governs the operations 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 Gail Fast, on behalf of ANC 6D, are signatories to the Agreement.

Accordingly, it is this 9th day of December, 2020, **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

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Donovan Anderson
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Donovan Anderson, Chairperson

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James Short
Key: 547ac379f205e9a841e30742945ac

James Short, Member

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Bobby Cato
Key: 256d3fca0f140a774b75fd7917d2d3

Bobby Cato, Member

Rema Wahabzadah, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: d550be61845e1f0e4010155a0c12f91cc

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 82172991E50944740115659Ca418E

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda7f0f0040ec14adeb52541ce2

Edward S. Grandis, 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 II 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 S.W., Suite W130, Washington, DC 20024
ANC Office: 202 554-1795 6D@anC.dc.gov

COOPERATIVE AGREEMENT

THIS COOPERATIVE AGREEMENT ("Agreement") is made on this 17th day of November 2020 by and between L'Enfant DC Hotel LLC t/a Hilton Washington DC/National Mall ("Applicant"), at 480 L'Enfant Plaza, SW, Washington, DC 20024, ABRA-117214, and Advisory Neighborhood Commission 6D ("the ANC"), (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.

WITNESSETH

WHEREAS, Applicant has applied for a License Class 25% B for a business establishment ("Establishment") selling beer and wine in the market in the hotel premises located at 480 L'Enfant Plaza, SW, Washington, DC 20024 ("Premises"); and

WHEREAS, Applicant already holds a Retailer's Class C Hotel ABC License, ABRA-093846, for its hotel business ("Hotel ABC License"), and the Parties have a Cooperative Agreement relating to the activities of the Hotel ABC License dated July 9 2018 (ABC Board Order No. 2018-439); and

WHEREAS, the Applicant is encouraged 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, in lieu of a protest filing by the ANC, 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 of the establishment within the ANC on (1) peace, order, and quiet, including the noise and litter provisions set forth in §§ 25-725 and 25-726; and (2) 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. The Parties agree that any substantial change in operations is considered of great concern to the community which they may bring to

the attention of the ABC Board;

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 retail hotel market business Establishment selling beer and wine for off-premises consumption. There will be no seats.
3. ***Hours of Operation and Sales of Alcoholic Beverages.***
The hours of operation of the Establish shall be 24 hours daily.

The hours of sales of alcohol shall not exceed:

Sunday through Saturday: 6:00 am - 1:00 am.

4. ***Floors Utilized and Occupancy.*** The Applicant will operate its Establishment on the first floor of the building.
5. ***Public Space and Trash.*** Trash compactor and storage areas maintained by the Applicant shall be kept clean. Applicant will contract for regular rodent and pest (insect) abatement.
6. ***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 have recording cameras which cover the areas where alcoholic beverages are sold in the market. If responsible for the video surveillance equipment, the establishment shall maintain security cameras and: (a) Ensure the cameras are operational; (b) Maintain footage containing 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.

7. ***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.
8. ***Participation in the Community.*** Applicant is encouraged to maintain open communication with the ANC and the community for which the ANC acts.
9. ***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 § 25-447.

If to Applicant: President
L'Enfant DC Hotel LLC
433 California Street, 7th Floor
San Francisco, CA 94104
Attn: Lawrence Lui, President
Email: Lawrence.lui@hiltonnationalmall.com

and

General Manager
Hilton Washington DC/National Mall
480 L'Enfant Plaza, SW
Washington, DC 20024
Phone: (202) 484-1000
Email: claudia.eggspuhler@hiltonnationalmall.com

If to the ANC: Advisory Neighborhood Commission 6D
 1101 4th Street, SW, Suite W130
 Washington, DC 20024
 Attn: Chair, ANC
 Phone: (202) 202 554-1795
 e-mail: 6D@anc.dc.gov

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.

10. ***No Protest.*** Upon execution of this Agreement by the Parties and its acceptance by the ABC Board, and in reliance thereupon, the ANC shall refrain from filing a protest of the Applicant's pending license application.

[signatures on the follow page]

The ANC:

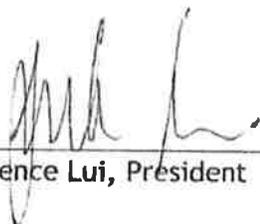
Advisory Neighborhood 6D

By: *Gail Fast*
Gail Fast, SMD01, Chair

Date: 11/17, 2020

APPLICANT:

L'Enfant DC Hotel LLC

By: 
Lawrence Lui, President

Date: 11/12, 2020