

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

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<b>In the Matter of:</b>	)	
	)	
Georgetown Suites, LLC/Wabbit, LLC	)	
t/a Georgetown Inn West End	)	
	)	Case No.: 18-PRO-00037
Applicant for a New	)	License No.: ABRA-109462
Retailer's Class CR License	)	Order No.: 2018-467
	)	
at premises	)	
1121 New Hampshire Avenue, NW	)	
Washington, D.C. 20037	)	

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Georgetown Suites, LLC/Wabbit, LLC, t/a Georgetown Inn West End (Applicant)

William Kennedy Smith, Chairperson, Advisory Neighborhood Commission (ANC) 2A

Sue Siler, on behalf of a Group of Five or More Individuals

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

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**ORDER ON SETTLEMENT AGREEMENT AND  
WITHDRAWAL OF PROTESTS**

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The Application filed by Georgetown Suites, LLC/Wabbit, LLC, t/a Georgetown Inn West End (Applicant), for a new Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on June 4, 2018, and a Protest Status Hearing on June 11, 2018, in accordance with D.C. Official Code § 25-601 (2001).

The official records of the Board reflect that the Applicant, ANC 2A, and a Group of Five or More Individuals have entered into a Settlement Agreement (Agreement), dated July 18, 2018, 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; Chairperson William Kennedy Smith, on behalf of ANC 2A; and Sue Siler, on behalf of the Group of Five or More Individuals; are signatories to the Agreement.

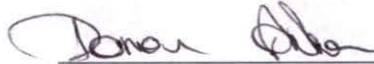
This Agreement constitutes a withdrawal of the Protests filed by ANC 2A and the Group of Five or More Individuals.

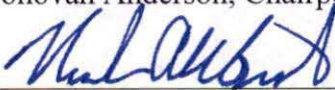
Accordingly, it is this 25th day of July, 2018, **ORDERED** that:


1. The Application filed by Georgetown Suites, LLC/Wabbit, LLC, t/a Georgetown Inn West End, for a new Retailer's Class CR License, located at 1121 New Hampshire Avenue, NW, Washington, D.C., is **GRANTED**;
2. The Protests of ANC 2A and the Group of Five or More Individuals in this matter are hereby **WITHDRAWN**;
3. The above-referenced Settlement Agreement submitted by the Parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Applicant, ANC 2A, and Sue Siler, on behalf of a Group of Five or More Individuals

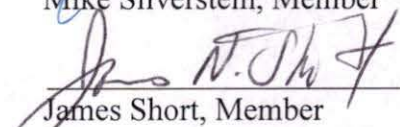


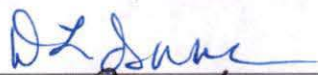
District of Columbia  
Alcoholic Beverage Control Board

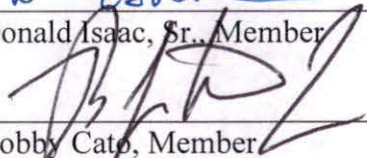
  
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Donovan Anderson, Chairperson

  
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Nick Alberti, Member

  
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Mike Silverstein, Member

  
\_\_\_\_\_  
James Short, Member

  
\_\_\_\_\_  
Donald Isaac, Sr., Member

  
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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 14<sup>th</sup> 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).

## SETTLEMENT AGREEMENT

This Settlement Agreement is made on this 18th day of July 2018, by and between Georgetown Suites, LLC/Wabbit, LLC, t/a Georgetown Inn West End ("the Applicant") and Advisory Neighborhood Commission 2A ("the ANC"), and Sue Siler, designated representative of a group of 49 individuals ("the Group of Individuals") (collectively "Protestants")

### WITNESSETH

WHEREAS, the Applicant's application for a Class C Alcoholic Beverage Control (ABC) license for premises 1121 New Hampshire, NW is pending before the District of Columbia ABC Board; and,

WHEREAS, said premises is within the jurisdictional boundaries of the ANC; and, the Group of Individuals reside adjacent to the Applicant's proposed premises; and,

WHEREAS, the Protestants objections are limited to the summer garden endorsement, and there are not objections to the underlying hotel interior operations; and,

WHEREAS, the parties desire to enter into this Settlement Agreement in order to reflect their understandings regarding certain aspects of the Applicant's summer garden;

NOW, THEREFORE, in consideration of the recitals set forth above and the terms and conditions provided below, the parties agree as follows:

**1. Maximum Seating**

The summer garden seating and total occupant load shall not exceed fifty (50) or any lesser number as indicated on the Certificate of Occupancy.

**2. Hours & Days of Summer Garden Operation**

The hours of operation and sales of alcoholic beverages on the summer garden shall not exceed the hours as follows:

Sunday through Thursday: 8:00 am to 11:00 pm; and  
Friday and Saturday: 8:00 am to midnight

**3. Music & Entertainment and Noise Abatement**

Applicant shall not offer entertainment or live music on the summer garden. Background recorded music will be permitted but will be monitored to maintain reasonable noise levels and speakers will be placed facing West away from the residents of the Savoy. Subwoofers will not be placed in the summer garden. Background recorded music provided by speakers shall terminate at 10:00 pm.



Applicant shall strictly comply with D.C. Official Code § 25-725 and to that end shall take reasonable actions and mitigation efforts to ensure that music, noise and vibration from the Establishment are not audible in any residential premises as prohibited by law. Applicant shall use various means to mitigate noise, such as installing sound absorptive materials and barriers, umbrellas, awnings, shrubbery, trees in planters, and/or other muting or muffling objects, and if unable to construct a noise mitigation wall, the Applicant will take reasonable measures to implement a non-structural barrier/canopy to be agreed upon by the parties.

Additionally, Applicant will post a sign reminding patrons to keep noise to a minimum when sitting in the outside summer garden patio.

**4. Licensee Point of Contact**

The Protestants acknowledge having received the contact information for the Applicant's management company. Applicant will provide the Protestants with new contact information for successive management staff, including the General Manager. The Protestants are encouraged to contact the Applicant or the General Manager directly regarding complaints related to this Agreement including, but not limited to, complaints of noise.

**5. Notice**

Any notices required to be made under this Agreement shall be in writing and sent either via e-mail or U.S. mail, postage prepaid, to the parties to this Agreement at the addresses below. Notice shall be deemed given as of the time of receipt or refusal of receipt.

If to Applicant: Vinoda Basnayake  
1121 New Hampshire Avenue, NW  
Washington, DC 20037  
vinodab@gmail.com

With cc: Nayan Patel  
1121 New Hampshire Avenue, NW  
Washington, DC 20037  
naypatel@mac.com

If to the ANC: William Kennedy Smith, Chairman (or applicable ANC 2A Chairman)  
Advisory Neighborhood Commission 2A  
2020 Pennsylvania Avenue NW #293  
Washington, DC 20006  
2A04@anc.dc.gov

With Copy to: Peter Sacco, Executive Director (or applicable ANC 2A Executive Director)  
2A@anc.dc.gov

If to Group  
of Individuals: ~~Stacy~~ Siler  
Designated Representative of Group of 5  
22 West, A Condominium

1177 22<sup>nd</sup> Street, NW  
Apt. 1A  
Washington, DC 20037

If to Savoy:           The Savoy Apartments  
                          C/O Gelman Management  
                          Attn: Harrison Miller  
                          2120 L Street, NW, Suite 800  
                          Washington, DC 20037  
                          Email: [thesavoy@gelman.com](mailto:thesavoy@gelman.com) with cc: [hmillier@gelman.com](mailto:hmillier@gelman.com)

Any party may change its notice address or alert each other to successors of the above-identified individuals by written notice to the others. 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.

**6. Incorporation of Settlement Agreement**

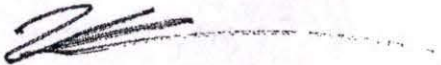
The Applicant acknowledges that the Protestants are relying on the foregoing commitments and will withdraw the protests that heretofore have been filed with the ABC Board. The parties jointly request that this Agreement be incorporated into the ABC Board's order approving the pending summer garden endorsement to the Retailer's Class C License application.

**7. Execution in Counterpart**

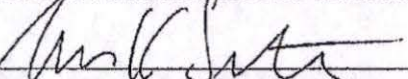
The parties acknowledge that this agreement may be executed in counterpart.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

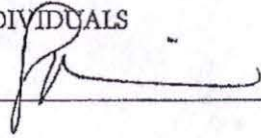
GEORGETOWN SUITES, LLC/WABBIT, LLC,  
T/A GEORGETOWN INN WEST END

By:   
\_\_\_\_\_  
Vinoda Basnayake, Member

ADVISORY NEIGHBORHOOD COMMISSION 2A

By:   
\_\_\_\_\_  
William Kennedy Smith, Chairman

GROUP OF INDIVIDUALS

By:   
\_\_\_\_\_  
Susan Siler  
Designated Representative