

**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

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| ) <b>In the Matter of:</b> )<br>)<br>) EAHG DC TRS, LLC )<br>) t/a Hotel AKA Washington Circle )<br>) Applicant for a New )<br>) Retailer’s Class CH License )<br>)<br>) at premises )<br>) 1 Washington Circle, NW )<br>) Washington, D.C. 20037 )<br>) | ) Case No.: 24-PRO-00023 )<br>) License No.: ABRA-127173 )<br>) Order No.: 2024-086 )<br>)<br>)<br>)<br>)<br>)<br>) |
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EAHG DC TRS, LLC, t/a Hotel AKA Washington Circle, Applicant

Jim Malec, Chairperson, Advisory Neighborhood Commission (ANC) 2A, Protestant

**BEFORE:** Donovan Anderson, Chairperson  
James Short, Member  
Silas Grant, Jr., Member

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**ORDER ON SETTLEMENT AGREEMENT AND  
WITHDRAWAL OF ANC 2A’S PROTEST**

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The Application filed by EAHG DC TRS, LLC, t/a Hotel AKA Washington Circle, (Applicant), for a New Retailer’s Class CH License, was protested by ANC 2A.

The official records of the Alcoholic Beverage and Cannabis Board (Board) reflect that the Applicant and ANC 2A have entered into a Settlement Agreement (Agreement), dated February 21, 2024, 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 Jim Malec, on behalf of ANC 2A, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by ANC 2A.

Accordingly, it is this 28th day of February 2024, **ORDERED** that:

1. The Application filed by EAHG DC TRS, LLC, t/a Hotel AKA Washington Circle, for a New Retailer's Class CH License, located at 1 Washington Circle, NW, Washington, D.C., is **GRANTED**;
2. The Protest of ANC 2A in this matter is hereby **WITHDRAWN**;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 Parties.

District of Columbia  
Alcoholic Beverage and Cannabis Board

eSigned via [SeamlessDocx.com](http://SeamlessDocx.com)  
*Donovan Anderson*  
Key: ac432b99b59d5f0e4d730693d1dccc8

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Donovan Anderson, Chairperson

eSigned via [SeamlessDocx.com](http://SeamlessDocx.com)  
*James Short*  
Key: 547ae373822de6ac8e1b332d22948e

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James Short, Member



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Silas Grant, Jr., 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 ("Agreement") is made on this 21st day of February 2024 by and between EAHG DC TRS LLC t/a Hotel AKA Washington Circle ("Applicant") at 1 Washington Circle, NW, Washington, DC 20037, and Advisory Neighborhood Commission 2A ("the ANC" or "ANC 2A"), (collectively, the "Parties").

**WITNESSETH**

WHEREAS, Applicant has applied for a new Retailer's Class C Hotel ABC license, ABRA-127173 ("License"), at 1 Washington Circle, NW ("Premises") with Summer Garden and Entertainment Endorsements;

WHEREAS, the Premises is within the jurisdictional boundaries of ANC 2A;

WHEREAS, ANC 2A's concerns regarding the Applicant's pending application are limited to the hours included in the Summer Garden Endorsement;

WHEREAS, the Parties are desirous of entering into a Settlement Agreement to minimize the impact of the Applicant's business within ANC 2A's Commission Area and to eliminate the need for a Protest Hearing regarding Applicant's pending License application ("Application");

WHEREAS, the Parties have agreed to enter into this Agreement and request that the ABC Board approve Applicant's Application conditioned upon Applicant's compliance with the terms of this 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.** Applicant will manage and operate a hotel business.
3. **Interior Hours.**
  - A. The Interior Hours of Operation shall be: 24 hours daily;
  - B. The Interior Hours of Alcoholic Beverage Sales, Service, and Consumption shall be:
    - Sunday through Thursday, 6:00am - 2:00am; and
    - Friday & Saturday, 6:00am - 3:00am.
  - C. The Interior Hours of Entertainment shall be:
    - Sunday through Thursday, 8:00am - 2:00am; and
    - Friday & Saturday, 8:00am - 3:00am.

ANC 2A Settlement Agreement  
EAHG DC TRS LLC t/a Hotel AKA Washington Circle  
License No. ABRA-127173 at 1 Washington Circle, NW

- D. Exceptions to the stated hours shall be granted for:
- i. Days designated by the ABC Board as "Extended Hours for ABC Establishments" or "Daylight Savings Time Extension of Hours" Licensee may operate for one additional hour (that is, one hour later);
  - ii. In the event the Council of the District of Columbia or the ABC Board grants licensees in general extended operating hours for specific occasions, such as Inauguration or World Cup, Licensee may avail itself of such extended hours;
  - iii. On January 1 of each year Licensee may operate, sell, serve, and permit the consumption of alcoholic beverages until 4:00am; and
  - iv. The Applicant may apply for a one-day substantial change in accordance with 23 DCMR § 100, without objection from ANC2A to provide extended hours of Entertainment on days when the ABC Board or Council permits extended hours generally for licensees as described in 3(c)(ii) and on January 1 of each year.

**4. Summer Garden Hours.**

A. Applicant's Summer Garden Endorsement Hours of Operation and Hours of Sales, Service & Consumption of Alcoholic Beverages shall be as follows:

- Sunday, 10:00am - 12:00am;
- Monday through Thursday, 8:00am - 12:00am; and
- Friday & Saturday, 8:00am - 1:00am.

B. Provided that Applicant may apply for a One-Day Substantial Change Permit to operate the Summer Garden outside of the provisions of this Agreement, including, but not limited to modifying its Summer Garden hours or adding Entertainment on the Summer Garden as part of a holiday or special event, no more than six (6) times per calendar year.

**5. Summer Garden Occupancy.** Applicant's Summer Garden shall have a maximum of 45 seats for patrons and a total occupancy load of 55 patrons.

**6. Point of Contact.** Applicant will provide the ANC with contact information for its management staff, including the General Manager. The ANC and its constituents are encouraged to contact the Applicant or the General Manager directly regarding complaints with Applicant's operations, including, but not limited to, excessive noise.

**7. Trash & Vermin.**

A. Applicant shall maintain the public space adjacent to and in front of the Premises in a clean and orderly manner.

B. Applicant shall use sealable container(s) for trash, food waste, and recycling designed to prevent intrusion by rodents, vermin, and other pests.

**8. No Protest.** Parties request that the ABC Board enter an order approving the Applicant's ABC License application subject to the terms of this Agreement. Upon execution of this Agreement by the Parties and its acceptance by the ABC Board, the ANC shall refrain from filing a protest against Applicant's pending Application or, if the ANC has already filed a protest, the ANC shall withdraw the protest against Applicant's ABC License application.

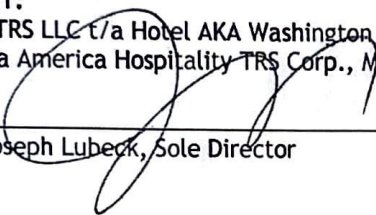
ANC 2A Settlement Agreement  
EAHG DC TRS LLC t/a Hotel AKA Washington Circle  
License No. ABRA-127173 at 1 Washington Circle, NW

In witness thereof, the Parties have executed this Agreement on the day and year first above written.

**ADVISORY NEIGHBORHOOD COMMISSION 2A**

By:  \_\_\_\_\_  
Jim Malec, Chairperson, ANC 2A

**APPLICANT:**  
EAHG DC TRS LLC t/a Hotel AKA Washington Circle  
By: Electra America Hospitality TRS Corp., Managing Member

By:  \_\_\_\_\_  
Joseph Lubeck, Sole Director