

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

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**In the Matter of:** )  
 )  
Carr Wharf 3B Hotel Lessee, LLC )  
t/a InterContinental Washington D.C.– )  
The Wharf/Moon Rabbit )  
 )  
Holder of a ) License No.: ABRA-114491  
Retailer’s Class CH License ) Order No.: 2021-423  
 )  
at premises )  
801 Wharf Street, SW )  
Washington, D.C. 20024 )  
 )

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Carr Wharf 3B Hotel Lessee, LLC, t/a InterContinental Washington D.C.–The Wharf/Moon Rabbit (Licensee)

Edward Daniels, Chairperson, Advisory Neighborhood Commission (ANC) 6D

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

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**ORDER ON AMENDMENT TO COOPERATIVE AGREEMENT**

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The official records of the Alcoholic Beverage Control Board (Board) reflect that Carr Wharf 3B Hotel Lessee, LLC, t/a InterContinental Washington D.C.–The Wharf/Moon Rabbit (Licensee), and ANC 6D entered into a Cooperative Agreement (Agreement), dated July 10, 2017, that governs the operations of the Licensee’s establishment. This matter comes now before the Board to consider the Parties’ Amendment to Cooperative Agreement (Amendment), dated July 21, 2021, 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 Edward Daniels, on behalf of ANC 6D, are signatories to the Amendment.

Accordingly, it is this 28th day of July 2021, **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

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
Key: a8430d9b36935f5e4b730003143e0f

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com  
*James Short*  
Key: 547ae073802049fa8111332152945ac

James Short, Member

eSigned via SeamlessDocs.com  
*Bobby Cato*  
Key: 256d3fcd1be1464764b75b87917d2dd

Bobby Cato, Member

eSigned via SeamlessDocs.com  
*Rafi Aliya Crockett, Member*  
Key: b5d6e91843e1f9e4016155e5c1281cc

Rafi Crockett, Member

eSigned via SeamlessDocs.com  
*Jeni Hansen, Member*  
Key: 0217200160509447491b5405c2a4181f

Jeni Hansen, Member

eSigned via SeamlessDocs.com  
*Edward Grandis, Member*  
Key: 5027bda71f9f0040ec14a5eb52541ce5

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 14<sup>th</sup> 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).

### FIRST AMENDMENT TO COOPERATIVE AGREEMENT

THIS AMENDMENT #1 to the COOPERATIVE AGREEMENT ("Agreement") is made on this 12th day of July 2021 by and between Carr-Wharf 3B Hotel Lessee LLC t/a Intercontinental Washington D.C. - The Wharf / Moon Rabbit ("Licensee"), at 801 Wharf Street, SW, Washington, DC 20024, ABRA License #114491, and Advisory Neighborhood Commission 6D ("the ANC"), (collectively, the "Parties"). This amendment updates the Agreement dated July 10, 2017 and finalized by ABC Board Order 2017-398 dated July 19, 2017.

#### R E C I T A L S

WHEREAS, the original licensee, Carr Waterfront Hotel LLC, and ANC 6D entered into a new Cooperative Agreement dated July 10, 2017 for an establishment ("Establishment") at 801 Wharf Street, SW, Washington, DC 20024 for ABRA License #106688;

WHEREAS, the ABC Board approved a transfer of Carr Waterfront Hotel LLC's Retailer's Class C Hotel ABC License (ABRA-106688) to Licensee on a no substantial change basis in July 2019, and ABC Board Order 2017-398 remains in effect for the ABC License at the Establishment;

WHEREAS, the Retailer's Class C Hotel ABC License (ABRA-114491) was issued to Licensee for the Establishment in September 2019; and

WHEREAS, the original Cooperative Agreement dated July 10, 2017 provided for the following Floors Utilized and Occupancy:

"The Applicant will operate the 24-hour Hotel Establishment with 278 guest rooms, dining facilities, and two summer gardens. The Certificate of Occupancy will state the maximum room count and summer garden seating capacities; however, the Establishment shall not exceed the total occupancy load of 227 patrons in the dining room and 72 and 40 seats respectively in the two summer gardens."

WHEREAS, Licensee would like to add an additional summer garden endorsement to its ABC License for a third summer garden located on the ground floor;

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 ABC 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. Paragraph 2, "~~Nature of the Business,~~" first sentence is stricken and replaced in its entirety by the following:

"The Applicant will manage and operate a Hotel Establishment including a full-service restaurant serving spirits, wine, and beer, with three Summer Gardens, and entertainment and dancing endorsements in the indoor space.

3. Paragraph 3, "~~Floors Utilized and Occupancy,~~" section is stricken entirely and replaced by the following:

"The Applicant will operate the 24-hour Hotel Establishment with 278 guest rooms, dining facilities, and three Summer Gardens. The Certificate of Occupancy will state the maximum room count and Summer Garden capacities; however, the Establishment shall not exceed the total occupancy load of 227 patrons in the dining room; and 72 seats on the rooftop Summer Garden, 61 seats on the first-floor summer garden adjacent to the restaurant, and 40 seats on the other first-floor Summer Garden."

4. Paragraph 4, "~~Hours of Operation, Sales, Service, Consumption, and Entertainment,~~" fourth sentence stricken entirely and replaced with the following:

"The hours of selling, serving, and consuming alcohol in the three Summer Gardens shall be: Sunday through Saturday: 11:00 a.m. to 12:00 a.m."

5. Paragraph 4, "~~Hours of Operation, Sales, Service, Consumption, and Entertainment,~~" is further amended by striking the last sentence of Paragraph 4 and replacing it with the following:

"Sales of Alcoholic Beverages: Applicant shall not sell liquor, beer or wine from the Premises primarily intended for off-Premises use except as permitted by DC law and regulations. Unfinished/recorked bottles of wine are allowed to be removed from the Premises."

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

The ANC:


Chair, ANC6D

  
Edward Daniels, SMD07

7/21/21  
Date

LICENSEE:

Carr-Wharf 3B Hotel Lessee LLC  
t/a Intercontinental Washington D.C. - The  
Wharf / Moon Rabbit

By:   
Austin Flajser,  
President

07/21/21  
Date



*Southwest / Navy Yard / Buzzard Point*  
Advisory Neighborhood Commission 6D

1101 Fourth Street, SW  
Suite W 130  
Washington, DC 20024  
202.554.1795  
Email: [6d@anc.dc.gov](mailto:6d@anc.dc.gov)  
Website: [www.anc6d.org](http://www.anc6d.org)

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Vice Chairperson  
*Fredrica Kramer*  
Secretary  
*Jared Weiss*  
Treasurer  
*Ron Collins*

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SMD 2 *Jared Weiss*  
SMD 3 *Ronald Collins*  
SMD 4 *Andy Litsky*  
SMD 5 *Fredrica Kramer*  
SMD 6 *Rhonda Hamilton*  
SMD 7 *Edward Daniels*

July 21, 2021

Martha Jenkins  
April Randall  
Alcohol Beverage Control Board  
2000 14<sup>th</sup> Street, NW Suite 400 South  
Washington, DC 20009

Transmitted via email: [martha.jenkins@dc.gov](mailto:martha.jenkins@dc.gov) | [april.randall2@dc.gov](mailto:april.randall2@dc.gov)

**RE: Amendment to Cooperative Agreement and ANC 6D Support for Stipulated License – Carr-Wharf 3B Hotel Lessee LLC t/a Intercontinental Washington D.C. – The Wharf / Moon Rabbit**

Dear Ms. Jenkins and Ms. Randall,

At a regularly scheduled and properly noticed public meeting on July 12, 2021, with a quorum present, a quorum being four Commissioners, **Advisory Neighborhood Commission (ANC) 6D voted 7-0-0 to support a stipulated license request from the applicant (Carr-Wharf 3B Hotel Lessee LLC t/a Intercontinental Washington D.C. - The Wharf / Moon Rabbit at 801 Wharf Street, SW, Washington, DC 20024) as well as the amendment to the Cooperative Agreement, attached.**

Please contact Commissioner Edward Daniels at 202-930-3720 or [edward.daniels@anc.dc.gov](mailto:edward.daniels@anc.dc.gov) should you have any questions or concerns.

Sincerely,

Edward Daniels  
Chair, ANC 6D  
Southwest, Navy Yard, & Buzzard Point