

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

In the Matter of:

Watergate Hotel Lessee, LLC
t/a Watergate Hotel

Application for Renewal of a
Retailer’s Class CH License

at premises
2650 Virginia Avenue, NW, Unit H-1
Washington, D.C. 20037

Case No.: 22-PRO-00030
License No.: ABRA-091162
Order No.: 2022-476

Watergate Hotel Lessee, LLC, t/a Watergate Hotel, Applicant

Stephen O’Brien, Counsel, on behalf of the Applicant

Donna Barbisch, Commissioner, Advisory Neighborhood Commission (ANC) 2A,
Protestant

Dr. Cheryl Benard, Designated Representative, on behalf of a Group of Five or More
Individuals, Protestant

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

**ORDER ON SETTLEMENT AGREEMENT AND WITHDRAWAL OF ANC 2A’S
PROTEST AND DISMISSAL OF A GROUP OF FIVE OR MORE
INDIVIDUALS’ PROTEST**

The Application filed by Watergate Hotel Lessee, LLC, t/a Watergate Hotel (Applicant), for renewal of its Retailer’s Class CH License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on May 31, 2022, and a Protest Status Hearing on June 29, 2022, in accordance with D.C. Official Code § 25-601 (2001).

The official records of the Board reflect that the Applicant and ANC 2A entered into a Settlement Agreement (Agreement), dated July 21, 2022, 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 Commissioner Donna Barbisch, on behalf of ANC 2A, are signatories to the Agreement.

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

Furthermore, the Board dismisses the Protest of the Group of Five or More Individuals pursuant to D.C. Official Code § 25-609(b), which states that "...In the event that an affected ANC submits a settlement agreement to the Board on a protested license application, the Board, upon its approval of the settlement agreement, shall dismiss any protest of a group of no fewer than 5 residents or property owners meeting the requirements of § 25-601(2)..." Having approved the Settlement Agreement between the Applicant and ANC 2A, the Board now dismisses the Group of Five or More Individuals by operation of law.

Accordingly, it is this 27th day of July 2022, **ORDERED** that:

1. The Application filed by Watergate Hotel Lessee, LLC, t/a Watergate Hotel, for renewal of its Retailer's Class CH License, located at 2650 Virginia Avenue, NW, Washington, D.C., is **GRANTED**;
2. 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;
3. The Protest of ANC 2A in this matter is hereby **WITHDRAWN**;
4. The Protest of the Group of Five or More Individuals is **DISMISSED**; and
5. Copies of this Order shall be sent to the Parties.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac420651593d101a817209031d0c8f

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 547ae370ff20da6ac9d1b032d2245cc

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 256d3cad5614637f6075bf7017e30d

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: b560a91845e1f8e401d155e5c12f81cc

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 8217209185094474918509c2a41825

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward S. Grandis, Member
Key: 5027bda7ff09040ec14adeb52541ce5

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).

SETTLEMENT AGREEMENT

This Settlement Agreement is made on this 21st day of July, 2022, by and between Watergate Hotel Lessee LLC ("the Applicant"), and Advisory Neighborhood Commission 2A ("the ANC").

WITNESSETH

WHEREAS, the Applicant is the holder of a Class CH Alcoholic Beverage Control (ABC) license for premises 2650 Virginia Avenue, NW; and,

WHEREAS, said premises is within the jurisdictional boundaries of the ANC; and,

WHEREAS, Applicant's application for renewal of said license has been protested by the ANC and a Group of 5 or More residents of 2700 Virginia Avenue, NW; and,

WHEREAS, the Applicant and Watergate West, Inc., Watergate East, Inc. and Watergate South, Inc. entered into an Agreement dated May 1, 2013; and,

WHEREAS, the Applicant and the ANC entered into a Settlement Agreement dated July 17, 2019; and,

WHEREAS, the parties desire to enter into this Settlement Agreement in order to commemorate their agreement regarding certain aspects of the Applicant's operations, and, thereby, resolve the pending protest of renewal of said license;

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

1. The Agreement of May 1, 2013 and the Settlement Agreement of July 19, 2019 remain unmodified and in full force and effect.
2. The parties recognize and acknowledge that multiple building within the Watergate complex utilize the truck tunnel entered from New Hampshire Avenue, NW in order to receive

deliveries of goods and services from third-party vendors. Applicant shall continue to undertake it present good-faith and reasonably diligent efforts to require its vendors to deliver via the truck tunnel and the interior loading area adjacent to the hotel. However, the ANC recognizes that some deliveries of equipment (due to bulk) must be unloaded and reloaded in the outdoor circular end of the "North Drive" (which runs between the 2600 Virginia Avenue, NW and 2700 Virginia Avenue, NW buildings). Such outdoor unloading and reloading shall be undertaken only during the hours of 7:00 a.m. and 7:00 p.m.

3. Applicant acknowledges the ongoing validity of Section 2 of the May 1, 2013 Agreement and shall endeavor to comply with diligently and in good faith with the provisions thereof. In the event that any residential neighbor perceives Applicant's operations to be generating noise inconsistent with the provisions of said Section 2, contemporaneous complaint is to be made by telephone to Applicant's Security Department on (202) 716-0011, in order that immediate investigation and remediation, to the extent necessary, may be undertaken; provided, that, upon request, the complaining individual shall afford Applicant's representatives reasonable access to the complainant's residential unit in order to conduct such investigation.

4. Applicant acknowledges that the ANC is relying on the foregoing commitments in withdrawing its protest of renewal pending before the ABC Board. The parties jointly request that this Agreement be incorporated into the ABC Board's order approving renewal of the Applicant's Class CH License.

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

WATERGATE HOTEL LESSEE, LLC

By: 

Jacques Cohen
Managing Member

ADVISORY NEIGHBORHOOD COMMISSION 2A

By: 

Donna Barbisch
Commissioner, ANC 2A04