

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

In the Matter of:

Washington DC Noma Operations, LLC
t/a citizenM

Applicant for a New
Retailer's Class CH License

at premises
1222 1st Street, NE
Washington, D.C. 20002

License No.: ABRA-118744
Order No.: 2021-536

Washington DC Noma Operations, LLC, t/a citizenM, Applicant

Emily Beline, on behalf of Advisory Neighborhood Commission (ANC) 6C ABL Committee

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

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Washington DC Noma Operations, LLC, t/a citizenM (Applicant), Applicant for a new Retailer's Class CH License, and ANC 6C have entered into a Settlement Agreement (Agreement), dated September 20, 2021, 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 Emily Beline, on behalf of ANC 6C, are signatories to the Agreement.

Accordingly, it is this 29th day of September 2021, **ORDERED** that:

1. 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
2. Copies of this Order shall be sent to the Applicant and ANC 6C.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeallessDocs.com
Donovan Anderson
Key: ac4330963031864672060311dccc8

Donovan Anderson, Chairperson

eSigned via SeallessDocs.com
James Short
Key: 3476c70227cc66891b332e284817

James Short, Member

eSigned via SeallessDocs.com
Bobby Cato
Key: 2b8d31ea13be166278d05b17917c378

Bobby Cato, Member

eSigned via SeallessDocs.com
Rafi Atiya Crockett, Member
Key: 15f33e1142e118a491d556e12091c

Rafi Crockett, Member

eSigned via SeallessDocs.com
Jeni Hansen, Member
Key: 8272091f520447431950f9284802

Jeni Hansen, Member

eSigned via SeallessDocs.com
Edward Grandis, Member
Key: 5027bca7f0f0040e14eddb52541ce5

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).

**ANC 6C SETTLEMENT AGREEMENT FOR
WASHINGTON DC NOMA OPERATIONS LLC t/a
CITIZENM AT 1221 1ST ST., NE - CLASS C HOTEL ABC LICENSE**

THIS AGREEMENT is made and entered into as of this 20th day of September 2021 by and between Washington DC Noma Operations LLC, operating under the trade name "citizenM" (hereinafter the "Applicant"), and Advisory Neighborhood Commission 6C, (hereinafter "ANC") (collectively, the "parties").

WHEREAS, Applicant having filed an application with the District of Columbia Alcoholic Beverage Control Board (hereinafter "ABC Board") for its Retailer's Class Hotel ABC license, ABRA-118744, ("the License") with Summer Garden, Entertainment, and Alcoholic Beverages Carry-Out and Delivery Endorsements for a hotel located at 1222 1st Street, NE Washington, D.C. (the "Premises");

WHEREAS, in recognition of the ABC Board's policy of encouraging parties to a protested proceeding to settle their differences by negotiating agreements, the parties hereto being desirous of entering into an agreement whereby, subject to approval of the ABC Board, Applicant will agree to adopt certain measures to address the ANC's concerns and to include this Agreement as a formal condition of its application, and ANC will agree to the issuance of the License provided that such an agreement is incorporated into the ABC Board's order issuing the license, which license is conditioned upon compliance with this Agreement and withdraw their Protest.

NOW, THEREFORE, in consideration of the mutual covenants and undertakings memorialized herein, the parties agree as follows:

1. **Recitals.** The recitals above are incorporated herein by reference.
2. **Nature of the Business.** Applicant will operate as a bona fide Class C Hotel (as such term is defined in ABC statutes and regulations). Applicant will not participate in any "pub crawl" promotions or activities.
3. **Hours.**
 - a. **Operations:** The Applicant's Hours of Operation for the interior Premises and Summer Garden shall be 24 hours daily;
 - b. **Sales, Service & Consumption of Alcoholic Beverages:**
 - i. The Applicant's Interior Hours of Sales, Service & Consumption of Alcoholic Beverages shall be:
 - 8:00am - 2:00am weekdays; and
 - 8:00am - 3:00am weekends.
 - ii. The Applicant's Summer Garden Hours of Sales, Service & Consumption of Alcoholic Beverages shall be: 8:00am - 1:00am daily.
 - c. **Provided that:** (a) in the event the Council of the District of Columbia or the ABC Board grants licensees in general extended hours, Applicant may avail itself of such extended hours; and (b) on January 1, Applicant may operate and sell, service, and permit the consumption of alcoholic beverages until 4:00am.

4. **Deliveries.** Applicant shall make commercially reasonable efforts to require its vendors to make all deliveries of food, beverages, and supplies between the hours of 6:00am and 7:00pm daily.
5. **Public Space and Trash.** Applicant will make commercially reasonable efforts to maintain the public space adjacent to and in front of the Premises in a clean and orderly manner. Applicant shall regularly inspect and clean the public space adjacent to and in front of the Premises as necessary. Applicant shall not dispose of trash or recyclables outside of the building between 11:30pm and 9:00am.
6. **Noise Suppression.** Applicant shall always be in compliance with the D.C. Noise Control Act and DC Code § 25-725.
7. **Refrain from Filing Protest:** ANC agrees to the issuance of the License and ANC shall refrain from filing a protest against the License application upon execution of this Agreement, provided that this Settlement Agreement is incorporated into the Board's order issuing, amending or renewing the License, which order is thereby conditioned upon compliance with such Settlement Agreement.
8. **Right to Seek Redress:** The parties agree that Applicant will be given written notice of any alleged violation of this Agreement and will be afforded ten (10) days in which to investigate and respond to any complaint. The parties agree that if any complaint of violation of this Agreement is not so resolved—or, with respect to a breach which reasonably requires more than ten (10) days to cure, efforts to cure the breach have not been commenced—then any failure of the Applicant to adhere to the foregoing commitments will constitute a breach of this agreement and grounds for the Protestant to file a complaint pursuant to D.C. Code § 25-446(e) in order to enforce the provisions of the Agreement.

IN WITNESS WHEREOF, the Parties have affixed hereto their hands and seals.

Applicant:

WASHINGTON DC NOMA OPERATIONS LLC
By: citizenM USA Operations Holding LLC, Manager

By: _____ Date: _____
Nicolaas Peter van Lookeren Campagne, Manager

ANC:

ADVISORY NEIGHBORHOOD COMMISSION 6C

By: /s/Emily R. Beline ANC6C Representative on behalf of Steve O'Neal
Stephen O'Neal, ANC 6C ABL Committee Chair
Date: September 20, 2021

H. Beline Sept. 20 2021
Emily Beline on behalf of Steve O'Neal
ANCLC
in the matter of Citizen M Class C Hotel
ABC license, exclusively