

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

In the Matter of:)	
)	
HHLP Saint Gregory Lessee, LLC)	
t/a St. Gregory Luxury Hotel & Suites)	
)	Case No.: 16-PRO-00032
Application for Renewal of a)	License No.: ABRA-098868
Retailer's Class CH License)	Order No.: 2016-424
)	
at premises)	
2033 M Street, N.W.)	
Washington, D.C. 20036)	

HHLP Saint Gregory Lessee, LLC, t/a St. Gregory Luxury Hotel & Suites (Applicant)

Patrick L. Kennedy, Chairperson, Advisory Neighborhood Commission (ANC) 2A

Sally Blumenthal, on behalf of A Group of Five or More Individuals

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

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

The Application filed by HHLP Saint Gregory Lessee, LLC, t/a St. Gregory Luxury Hotel & Suites, 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 23, 2016, in accordance with D.C. Official Code § 25-601 (2001).

The Applicant, ANC 2A, and the Group of Five or More Individuals have entered into a Settlement Agreement (Agreement), dated June 23, 2016, setting forth the terms and conditions that govern 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 Patrick L. Kennedy, on behalf of ANC 2A; and Sally Blumenthal, on behalf of the Group of Five or More Individuals; are signatories to the Agreement.

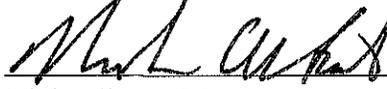
This Agreement constitutes a withdrawal of the Protests filed by ANC 2A and the Group of Five or More Individuals of this Application.

Accordingly, it is this 29th day of June, 2016, **ORDERED** that:

1. The Application filed by HHLP Saint Gregory Lessee, LLC, t/a St. Gregory Luxury Hotel & Suites, for renewal of its Retailer's Class CH License, located at 2033 M Street, N.W., 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 The Protests of ANC 2A and the Group of Five or More Individuals in this matter are hereby **WITHDRAWN**;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 Sally Blumenthal, on behalf of the Group of Five or More Individuals.

District of Columbia
Alcoholic Beverage Control Board

Donovan Anderson, Chairperson



Nick Alberti, Member



Mike Silverstein, Member



Ruthanne Miller, Member



James Short, 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 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 23rd day of June, 2016, by and between HHLP Saint Gregory Lessee, LLC t/a St. Gregory Luxury Hotel & Suites ("the Applicant") and Advisory Neighborhood Commission 2A ("the ANC"), and Sally Blumenthal, designated representative of a group of 23 individuals ("the Group of Individuals") (collectively "Protestants")

WITNESSETH

WHEREAS, the Applicant's application for renewal of its a Class CH Alcoholic Beverage Control (ABC) license for premises 2033 M Street, 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 in close proximity to the Applicant's premises; and,

WHEREAS, the Protestants objections are limited to the sidewalk cafe 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 sidewalk cafe operations;

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 sidewalk café seating and total occupant load shall not exceed thirty-two (32) or any lesser number as indicated on the Public Space Permit or Certificate of Use for Sidewalk Café in Public Space.

2. Hours & Days of Sidewalk Cafe Operation

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

Sunday through Saturday: 8:00 am to 12:00 am; however, new guests shall not be seated after 11:00 pm Sunday through Thursday.

After the conclusion of nightly hours on the sidewalk cafe, Applicant shall lock off access in a manner to reasonably prevent after hours use of the sidewalk cafe by any hotel guests or the public. It is understood by the parties that hotel employees may remain past the nighttime operation hours to

clean up and secure the sidewalk cafe, but no longer than one (1) hour after the nighttime operation hours above mentioned.

3. Music & Entertainment on Sidewalk Cafe

Applicant may offer entertainment or live music on the sidewalk café limited to acoustical instruments only. Amplified live music is not permitted on the sidewalk café. Background recorded music will be permitted but will be monitored to maintain reasonable noise levels. Subwoofers will not be placed on the sidewalk café.

Background music provided by speakers on the sidewalk cafe shall commence no earlier than 8:00 am and terminate at 10:00 pm Sunday through Thursday, and commence no earlier than 8:00 am and terminate at 11:00 pm Friday and Saturday.

Entertainment music provided on the sidewalk café shall commence no earlier than 10:00 am and terminate at 8:00 pm on Sunday through Thursday, and commence no earlier than 10:00 am and terminate at 9:00 pm Friday and Saturday.

4. Protestants do not object to Applicant's interior hours of operations, alcoholic beverage sales and service, and entertainment being those maximum hours permitted by law. Interior entertainment hours shall commence no earlier than 10:00 am and terminate no later than 2:00 am.

5. Licensee Point of Contact

The Protestants acknowledge having received the contact information for the Applicant's management company. Applicant will provide the Protestant's 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.

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 renewal of the Class CH License application.

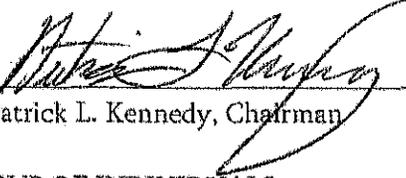
[SIGNATURES TO FOLLOW]

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

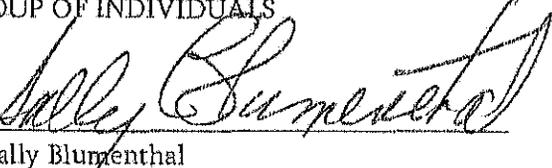
HHLP SAINT GREGORY LESSEE, LLC

By: 
Ashish R. Parikh
Manager

ADVISORY NEIGHBORHOOD COMMISSION 2A

By: 
Patrick L. Kennedy, Chairman

GROUP OF INDIVIDUALS

By: 
Sally Blumenthal
Designated Representative