

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

_____)
)
In the Matter of:)
)
Pilar Hospitality Group, LLC,)
t/a Bar Pilar)
)
)
Application for Class Change)
From Class CR to Class CT License) License No. 72472
) Order No. 2009-166
)
at premises)
1833 14th Street, N.W.)
Washington, D.C.)
_____)

Pilar Hospitality Group, LLC, t/a Bar Pilar

Brianne Nadeau, Chair, Advisory Neighborhood Commission 1B (ANC 1B), Peter Raia, Commissioner, ANC 1B, and Ronald Clayton, on behalf of a Group of Five, Protestants (Mike Silverstein, Chair, ANC 2B also protested this Application, but agreed to withdraw ANC 2B's protest after the Board's approval of the instant Voluntary Agreement)

BEFORE: Peter B. Feather, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Charles Brodsky, Member
Donald Brooks, Member
Herman Jones, Member

ORDER ON VOLUNTARY AGREEMENT AND DISMISSAL OF PROTEST

The official records of the Alcoholic Control Board (Board) reflect that Pilar Hospitality Group, LLC, t/a Bar Pilar, Applicant for Class Change from Retailer's Class CR to Class CT License located at 1833 14th Street, N.W., Washington D.C., and Brianne Nadeau, Chair, ANC 1B, Peter Raia, Commissioner, ANC 1B, and Ronald Clayton, on behalf of a Group of Five Protestants (collectively, the Parties) have entered into a Voluntary Agreement (Agreement) dated June 16, 2009, setting forth the terms and conditions that govern the operation of the Applicant's establishment. This Agreement constitutes a withdrawal of the Protest of this Application.¹

¹ The Board notes that although three individuals, Ramon Estrada, Phyllis Klein, and Juan Mayer, seceded from the Group of Five or More Protestants represented by Ronald Clayton and are not signatories to the Voluntary Agreement, they lack standing on their own to protest this Application pursuant to D.C. Code § 25-601. Thus, their Protest is, by this Order, **dismissed** for want of standing under this provision. The Board further notes that it received a letter regarding the designation of a different representative on June 18, 2009, for certain individuals; however, that letter was received after the signed Voluntary Agreement had been submitted to the Board for approval.

Pilar Hospitality Group, LLC
t/a Bar Pilar
License No. 72472
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The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant, Chairperson Nadeau, Commissioner Raia, and Mr. Clayton are signatories to the Agreement

Accordingly, it is this 24th day of June 2009, **ORDERED** that:

1. The Application filed by Pilar Hospitality Group, LLC, t/a Bar Pilar, for a Class Change from a Retailer's Class CR to a Class CT License located at 1833 14th Street, N.W., Washington, D.C., is **GRANTED**,

2. The Protest in this matter is hereby **DISMISSED**,

3. This above-referenced Voluntary 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 1B, ANC 2B, Ronald Clayton, and Ramon Estrada.

District of Columbia
Alcoholic Beverage Control Board



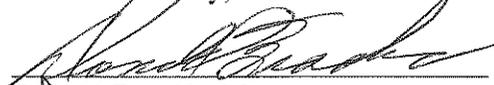
Peter B. Feather, Chairperson

Mital M. Gandhi, Member



Nick Alberti, Member

Charles Brodsky, Member



Donald Brooks, Member



Herman Jones, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), 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, 941 North Capitol Street, N.E., Suite 7200, Washington, D.C. 20002.

**VOLUNTARY AGREEMENT CONCERNING CHANGE OF
LICENSE CLASS, PILAR HOSPITALITY GROUP, LLC**

THIS AGREEMENT, made and entered into this ~~16th~~ ^{16th} day, June, 2009 by and among Pilar Hospitality Group, LLC (the "Applicant"), Advisory Neighborhood Commission 1B ("ANC 1B"), Advisory Neighborhood Commission 2B ("ANC 2B"), and Ronald Clayton, on his own behalf and on behalf of hereinafter named individual protestants ("Clayton"); (ANC 1B, ~~ANC 2B~~ and Clayton are sometimes hereinafter referred to as "Protestants")

WITNESETH

WHEREAS, Applicant is the holder of a Retailer's License Class CR02 for premises known as Bar Pilar located at 1833 14th Street, NW, Washington, DC

WHEREAS, Applicant has filed an application with the District of Columbia Alcoholic Beverage Control Board ("ABC Board") for conversion of its license to a Class CT01;

WHEREAS, Protestants have filed a protest opposing the conversion of the license class;

WHEREAS, the parties desire to enter into this Voluntary Agreement whereby Applicant will adopt certain measures to address Protestants' concerns, such measures to be formal conditions to the approval of the license conversion, in exchange for Protestants' agreement to the license conversion and withdrawal of their protest.

NOW THEREFORE, in consideration of the mutual covenants and undertakings hereinafter set forth and other good and valuable consideration, the Applicant and Protestants hereby agree as follows.

A. MINIMUM FOOD SERVICE. Applicant will be held to a standard of forty percent (40%) of the gross annual receipts from the sale of food or having annual gross food sales of \$1,800.00 per occupant. Applicant agrees that the establishment will be shut down and completely vacated, except for routine maintenance and cleanup, by closing time each night. Applicant agrees that there shall be no after-hours activity.

B. RECYCLING. Applicant agrees that no glass recyclable material shall be dumped in outside containers after 9:00 p.m.

C. TRANSPORTATION AND PARKING. Applicant shall encourage transit use.

D. MODIFICATION OF VOLUNTRARY AGREEMENT. This Agreement may be modified only by mutual agreement of the parties with the approval of the ABC Board for acceptance and enforcement.

E. BINDING EFFECT. This Voluntary Agreement shall be binding upon and enforceable against the successors and assigns of the Applicant during the term of the license to which this Voluntary Agreement applies.

F. NOTICE AND OPPORTUNITY TO CURE. In the event that any of the parties is in breach of this Agreement, it shall be entitled to reasonable notice and opportunity to cure, as a condition precedent to seeking enforcement of the Agreement. Unless the breach is of an emergency nature or is a repetition of a prior breach, reasonable notice and opportunity shall provide for a cure within thirty days of the date of such notice. If Applicant or the licensee fails to cure within the thirty day period (or, with respect to a breach which reasonably requires more than thirty days to cure, fails to

commence cure of such breach and diligently pursues such cure) failure shall constitute a cause for seeking a Show Cause Order from the ABC Board pursuant to DC Official Code 25-447. Unless otherwise noted above, any notices required to be made under this Agreement shall be in writing and mailed via certified mail, return receipt requested, postage prepaid, or hand delivered, to the other parties to this Agreement at the following addresses. Notice shall be deemed given as of the time of receipt or refusal of receipt.

If to Applicant: Pilar Hospitality Group, LLC, ATTN: John Snellgrove,
1833 14th Street. NW, Washington, DC 20009

If to Protestants: ANC1B, PO Box 73710, Washington, DC 20056
~~ANC 2B, 9 Dupont Circle, NW, Washington, DC 20036~~
Ronald Clayton, 1413 T Street, NW, 3206, Washington,
DC 20036

G. WITHDRAWAL OF PROTEST. In consideration of Applicant's agreement to the provisions of this Voluntary Agreement, the Protestants support the conversion and issuance of a Class CT license to Applicant, and hereby withdraw their protests to the conversion of the License, and join with the Applicant in requesting that a Retailer's Class CT01 license be issued in accordance with the Board's normal procedures.

H. AUTHORITY.

Clayton signs this Agreement on his own behalf and on behalf of Tanja Bos, Tobyn J. Anderson, Ken Patterson, Richard Tanenbaum, Susan B. Fulton, Alexander Lofgren, Dion Sutton, Jennifer Boone, Rodney Jackson, Alex Mayer, Tom Lewis, Juliana Thorpe, Tom Coumaris, Zelda Litwin, P.D. Klein, Russell L. Page, Jr.,

Allen W. Rotz, Elwyn Ferris, Eric A. Muhl, Barry Selinger, Cameron Russell, Sarah De Witt, Nicholas Ackerson, Philip McNamara, Yukina C. Koike, Samantha Beisel, James G. Parks, Norma P. Lombardi, Jennifer Taylor, and Liesel Danjczek (the “Group of 5 Protestants”). Clayton warrants that he is authorized to sign this Agreement on behalf of the Group of 5 Protestants. Representatives of ANC 1B and ~~ANC 2B~~, by their signatures below, represent that they have been authorized to sign this Agreement by their respective Commissions. Applicant represents that Michael L. Benson, who has signed as Managing Member of Pilar Hospitality Group, LLC, is authorized to sign this Agreement on behalf of Applicant.

WHEREFORE, by the signing of the representatives of Applicant and Protestant, Applicant hereby agrees to aforementioned covenants and Protestants agrees to the issuance of the Class CT license to Applicant, and withdraws its protest, provided that this agreement is incorporated into the ABC Board’s order issuing a Class CT license, the issuance of which is conditioned upon compliance with the Voluntary Agreement.

[SIGNATURES ON FOLLOWING PAGE]

APPLICANT:

Pilar Hospitality Group, LLC

By: 
Michael L. Benson, Managing Member
Date: 6/09/09

PROTESTANTS:

Advisory Neighborhood Commission 1B

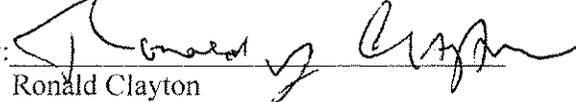
By: 
Brianne Nadeau, Chair
Date: 6/15/09

By: 
Peter Raia
Date: 6/15/09

~~Advisory Neighborhood Commission 2B~~

~~By: _____
Ramon Estrada
Date: _____~~

Group of 5 Protestants

By: 
Ronald Clayton

Date: 6.16.09


Ronald Clayton

Accordingly, on this ____ day of June, 2009 it is ordered that the Voluntary Agreement between Applicant and Protestant is incorporated into the ABC Board's order issuing Applicant an amended Class CT license.