

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

**In the Matter of:** )  
 )  
PGS, LLC )  
t/a The Guitar Bar )  
 )  
Applicant for a New )  
Retailer's Class CR License )  
 )  
at premises )  
1216 18<sup>th</sup> Street, N.W. )  
Washington, D.C. 20036 )  
 )

Case No. 11-PRO-00023  
License No. ABRA-086803  
Order No. 2012-098

PGS, LLC, t/a The Guitar Bar (Applicant)

Will Stephens, Chairperson, Advisory Neighborhood Commission (ANC) 2B

**BEFORE:** Ruthanne Miller, Chairperson  
Nick Alberti, Member  
Donald Brooks, Member  
Calvin Nophlin, Member  
Mike Silverstein, Member  
Jeannette Mobley, Member

**ORDER ON VOLUNTARY AGREEMENT AND  
WITHDRAWAL OF ANC 2B'S PROTEST**

The Application filed by PGS, LLC, t/a The Guitar Bar, for a new Retailer's Class CR License, located at 1216 18<sup>th</sup> Street, N.W., Washington, D.C., having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on June 6, 2011, a Protest Status Hearing on July 6, 2011, and a Protest Hearing was scheduled for December 14, 2011, in accordance with D.C. Official Code § 25-601 (2001).

The official records of the Board reflect that the Applicant and ANC 2B have entered into a Voluntary Agreement (Agreement), dated February 13, 2012, that governs the operation of the Applicant's establishment.

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The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Will Stephens, on behalf of ANC 2B, are signatories to the Agreement.

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

Accordingly, it is this 14<sup>th</sup> day of March, 2012, **ORDERED** that:

1. The Application filed by PGS, LLC, t/a The Guitar Bar, for a new Retailer's Class CR License, located at 1216 18<sup>th</sup> Street, N.W., Washington, D.C., is **GRANTED**;
2. The Protest of ANC 2B in this matter is hereby **WITHDRAWN**;
3. The above-referenced Voluntary Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED**, except for the following modification:

Section 3. (a) – The following sentence shall be added: “The parties agree that any requested changes must be approved by the Board.”

The parties have agreed to this modification.

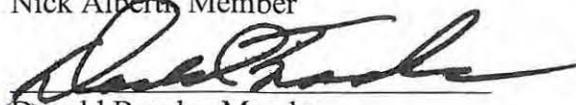
4. Copies of this Order shall be sent to the Applicant and ANC 2B.

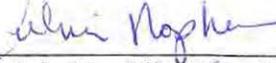
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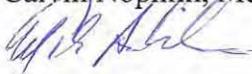
District of Columbia  
Alcoholic Beverage Control Board

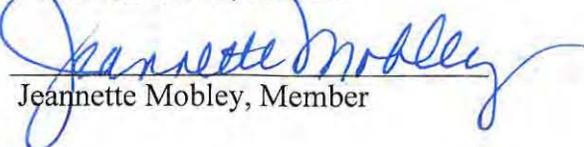
  
Ruthanne Miller, Chairperson

  
Nick Alberti, Member

  
Donald Brooks, Member

  
Calvin Nophlin, Member

  
Mike Silverstein, Member

  
Jeannette Mobley, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any Party adversely affected by this Order may file a Motion for Reconsideration 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, D.C. 20009.

# VOLUNTARY AGREEMENT

This Voluntary Agreement made this 13<sup>th</sup> day of February, 2012, by and among PGS, LLC, t/a The Guitar Bar (Applicant) and Advisory Neighborhood Commission 2B (ANC 2B) (Protestant).

## RECITALS

WHEREAS, Applicant made application for a new Alcoholic Beverage Control (ABC) retailer's license ABRA-086803 Class CT for premises located at 1216 18th Street, NW; and

WHEREAS, Applicant seeks approval of a summer garden space with 210 seats, with 60 seats indoors and a total capacity indoors of 120 persons; and

WHEREAS, Applicant will include sound attenuation and other noise reduction measures within the design construction of the summer garden space; and,

WHEREAS, ANC 2B has protested Applicant's ABC application; and

WHEREAS, the parties have agreed to enter into this voluntary agreement, pursuant to DC Code Section 25-446, to resolve the issues raised by Protestant's objection, and to request that the ABC Board approve Applicant's license application conditioned on Applicant's compliance with the terms of this written agreement.

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

1. Recitals Incorporated. The recitals set forth above are incorporated herein by reference.

2. Applicant's interior seating will not exceed 60 seats and will not exceed a total interior occupancy of 120.

3. (a) Applicant's summer garden seating initially will not exceed 99 seats. If no verified complaints of noise are confirmed after one (1) year, the summer garden seating will increase automatically to 130. After two (2) years without a verified noise complaint being confirmed the summer garden seating will increase automatically to 160.

(b) A verified complaint of noise from the summer garden operation is defined as noise in excess of the limit set forth in Subsection (c) of this Section 3, as confirmed by ABRA, without mitigation within one (1) business day of a report of noise complaint to the applicant.

(c) Applicant agrees to undertake noise attenuation measures as provided in a September 25, 2011, Noise Abatement Solutions report attached hereto as Exhibit A, to the end that noise from operation of applicant's summer garden not exceed 60dB as measured at the East face of the Jefferson Row Condominium located at 1830 Jefferson Place, NW.

DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE  
REGULATION & ADMINISTRATION

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ALCOHOLIC BEVERAGE  
REGULATION & ADMINISTRATION

4. Applicant's hours of operation shall be 11:30am to 2:00am Sundays-Thursdays and 11:30am to 3:00am Fridays and Saturdays; provided, however: (a) on days designated by the ABC Board as "Extended Hours for ABC Establishments" or "Daylight Savings Time Extension of Hours" Applicant may operate for one additional hour (that is, one hour later); (b) in the event the Council of the District of Columbia or the ABC Board grants licensees in general extended operating hours (such as for Inauguration), Applicant may avail itself of such extended hours; and, (c) on January 1 of each year Applicant may operate until 4:00am.

5. Withdrawal of protest. Protestant hereby agrees to withdraw its protest and join with Applicant in requesting that the ABC Board accept this Agreement as a condition of approval of the application. The withdrawal of the protest is contingent upon the text of this Voluntary Agreement being incorporated in an Order of the Board granting Applicant's application.

6. Counterparts. This Agreement may be executed simultaneously in two counterparts, each of which shall be deemed an original and both, when taken together, constitute one and the same document. The signature of any party to any counterpart shall be deemed a signature and may be appended to any other counterpart.

7. Authority. Representatives executing this Agreement on behalf of the respective parties do hereby affirm that they have the authority to do so.

*In witness whereof, the parties have executed this Voluntary Agreement as of the day and date first above written.*

Applicant: PGS, LLC

By:   
Edwin C. Villegas, Managing Member

Protestant: Advisory Neighborhood Commission 2B

By:   
Will Stephens, Chairman