

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

In the Matter of:

PGS, LLC
t/a Sauf Haus

Application for Renewal of a
Retailer's Class CT License

at premises
1216 18th Street, N.W.
Washington, D.C. 20036

Case No. 14-PRO-00070
License No. ABRA-086803
Order No. 2014-480

PGS, LLC, t/a Sauf Haus (Applicant)

Noah Smith, Chairperson, Advisory Neighborhood Commission (ANC) 2B

Carl Nelson, on behalf of A Group of Five or More Individuals

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member
Hector Rodriguez, Member
James Short, Member

**ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT AND
WITHDRAWAL OF PROTEST OF A GROUP OF FIVE OR MORE
INDIVIDUALS**

The Application filed by PGS, LLC, t/a Sauf Haus, for renewal of its Retailer's Class CT License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on September 29, 2014, in accordance with D.C. Official Code § 25-601 (2001).

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

On November 12, 2014, the Applicant, ANC 2B, and the Group of Five or More Individuals, as an additional party, entered into an Amendment to Settlement Agreement (Amendment).

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Applicant; Chairperson Noah Smith, on behalf of ANC 2B; and Carl Nelson, on behalf of the Group of Five or More Individuals; are signatories to the Amendment.

This Amendment constitutes a withdrawal of the Protest filed by the Group of Five or More Individuals.

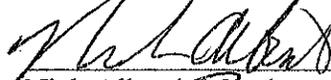
Accordingly, it is this 19th day of November, 2014, **ORDERED** that:

1. The Application filed by PGS, LLC, t/a Sauf Haus, for renewal of its Retailer's Class CT License, located at 1216 18th Street, N.W., Washington, D.C., is **GRANTED**;
2. The Protest of the Group of Five or More Individuals in this matter is hereby **WITHDRAWN**;
3. The above-referenced Amendment to Settlement Agreement, dated November 12, 2014, submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
4. All terms and conditions of the original Agreement shall remain in full force and effect; and
5. Copies of this Order shall be sent to the Applicant, ANC 2B, and Carl Nelson, on behalf of the Group of Five or More Individuals.

District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



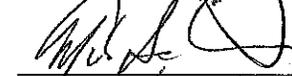
Nick Alberti, Member



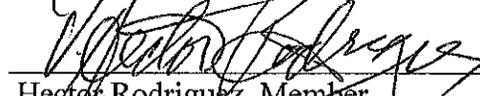
Donald Brooks, Member



Herman Jones, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, Member

Pursuant to D.C. Official Code § 25-433, 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).

VOLUNTARY AGREEMENT

This Amendment to the Voluntary Agreement is made this 12th day of November, 2014, by and among PGS, LLC, formerly t/a The Guitar Bar and now t/a Sauf Haus (Applicant or Licensee) and Advisory Neighborhood Commission 2B (ANC 2B) and A Group of Five or More Residents from the Jefferson Row and Palladium Condominiums (Residents). This Amendment replaces the Voluntary Agreement between the Applicant and ANC 2B entered into on 13, February, 2012.

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 has included sound attenuation and other noise reduction measures within the design and construction of the summer garden space; and,

WHEREAS, Applicant has incorporated a sound management plan into its operating plans; and,

WHEREAS, ANC 2B and certain residents have 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 Protestants' objections, and to request that the Alcoholic Beverage Control (ABC) Board approve Applicant's license application and renewal 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 the number allowed by the Certificate of Occupancy (CO) issued by the D.C. Department of Consumer and Regulatory Affairs (DCRA).
3. Applicant's summer garden seating will not exceed the number allowed by the Certificate of Occupancy (CO) issued by the D.C. Department of Consumer and Regulatory Affairs (DCRA).
4. Applicant's hours of operation shall be 11:30 a.m. to 2:00 a.m. Sundays-Thursdays and 11:30 a.m. to 3:00 a.m. 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 4:00 a.m.

5. Applicant acknowledges familiarity with and will comply with all D.C. noise control laws and regulations, and will take certain measures to ensure compliance, including but not limited to:
 - a. Applicant/licensee will promptly lower amplified sound levels when it determines, or is informed, that sound levels are too high. Applicant will be on notice that sound levels are too high if any of the following situations occurs:
 - i. Music can be heard 75 feet from the establishment;
 - ii. Music can be heard inside residences;
 - iii. Residents have complained;
 - iv. District officials have notified the applicant/licensee of complaints.
 - b. Applicant/Licensee will provide the ANC and local residents with the name and phone number of a general manager or other party responsible for compliance with this Agreement. If contacted, this person will immediately determine whether sound levels are too high and if so, to promptly lower sound levels to comply with this Agreement. The Applicant/Licensee will have 24 hours to respond to any noise complaints and up to thirty (30) days to cure sound level problems to ensure on-going compliance with this Agreement.
6. Withdrawal of protest. Protestants hereby agree to withdraw their protests and join with Applicant in requesting that the ABC Board accept this Agreement as a condition of approval of the application.
7. Counterparts. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original and all, 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.
8. 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: 

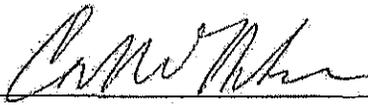
Edwin C. Villegas, Managing Member

Protestants:

Advisory Neighborhood Commission 2B

By: 
Noah Smith, Chairman

Group of Five or More Residents of Palladium and Jefferson Row
Condominiums

By: 
Carl Nelson, Residents' Representative

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t/a The Guitar Bar
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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 14th 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 18th 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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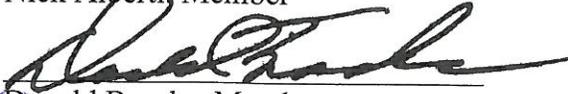
District of Columbia
Alcoholic Beverage Control Board



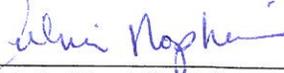
Ruthanne Miller, Chairperson



Nick Alberti, Member



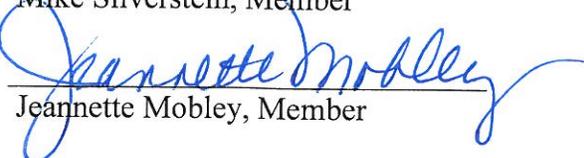
Donald Brooks, Member



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 14th Street, N.W., Suite 400S, Washington, D.C. 20009.

VOLUNTARY AGREEMENT

This Voluntary Agreement made this 13th 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
2017 FEB 14
REC'D BY [Signature]

REC'D BY [Signature]
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DISTRICT OF COLUMBIA
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.

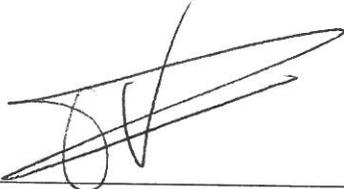
5. Withdrawal of protest. Protestant hereby agrees to withdraw its protest and join with Applicant in requesting that the ABC Board accept this Agreement as a condition of approval of the application. The withdrawal of the protest is contingent upon the text of this Voluntary Agreement being incorporated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