

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

In the Matter of:

Pilar Hospitality Group, LLC
t/a Bar Pilar

Applicant for Substantial Change
(Summer Garden)
Retailer's Class CT License

at premises
1835 14th Street, N.W.
Washington, D.C. 20009

Case No. 15-PRO-00105
License No. ABRA-072472
Order No. 2016-090

Pilar Hospitality Group, LLC, t/a Bar Pilar (Applicant)

James Turner and John C. Green, Commissioners, Advisory Neighborhood Commission (ANC)
1B

Joan E. Sterling, President, Shaw-Dupont Citizens Alliance (SDCA)

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

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

The Application filed by Pilar Hospitality Group, LLC, t/a Bar Pilar (Applicant), for a Substantial Change to include a Summer Garden to its Retailer's Class CR License, having been protested, came before the Alcoholic Beverage Control Board (Board) for a Roll Call Hearing on November 30, 2015, and a Protest Status Hearing on January 13, 2016, in accordance with D.C. Official Code § 25-601 (2001).

The official records of the Board reflect that the Applicant, ANC 1B, and A Group of Five or More Individuals, entered into Settlement Agreement (Agreement), dated June 16, 2009, that governs the operation of the Applicant's establishment. This matter comes now before the

Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated January 2016, in accordance with D.C. Official Code § 25-446 (2001).

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant; Commissioners James A. Turner and John Green, on behalf of ANC 1B; and Joan E. Sterling, on behalf of SDCA; are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protests filed by ANC 1B and SDCA.

Accordingly, it is this 24th day of February, 2016, **ORDERED** that:

1. The Application filed by Pilar Hospitality Group, LLC, t/a Bar Pilar, for a Substantial Change to include a Summer Garden to its Retailer's Class CT License, located at 1835 14th Street, N.W., Washington, D.C., is **GRANTED**;
2. The Protests of ANC 1B and SDCA in this matter are hereby **DISMISSED**;
3. The above-referenced Amendment to Settlement Agreement, dated January 2016, submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modifications:

Section A (Summer Garden Hours) – The term “shall” shall be replaced for the term “may”.

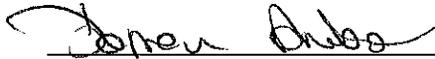
Section B (Summer Garden Capacity) – This Section shall be modified to read as follows: “Pilar hereby agrees to abide by and not exceed the number of seats listed on its Certificate of Occupancy issued by the DC Department of Consumer and Regulatory Affairs.”

Section E (Use of Entertainment Endorsement on Summer Garden) – The following language shall be removed: “...and agrees that it will send a notice to the ANC and Shaw Dupont Citizens Alliance at least two weeks prior to each of the six such uses.”

The parties have agreed to these modifications.

4. All terms and conditions of the original Agreement, not amended by the Amendment, shall remain in full force and effect; and
5. Copies of this Order shall be sent to the Applicant, ANC 1B, and SDCA.

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



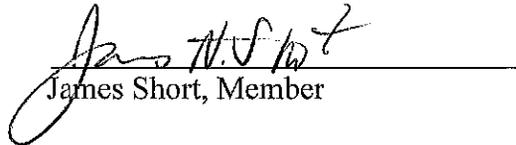
Nick Alberti, Member



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 John
~~AMENDMENT TO VOLUNTARY AGREEMENT~~ *Paul*

THIS AMENDMENT TO VOLUNTARY AGREEMENT ("Amendment"), made and entered into this ___ day of January 2016, by and between *10 12 14 920* ~~Pilar Hospitality Group, LLC t/a Bar Pilar ("Pilar")~~, Advisory Neighborhood Commission 1B ("ANC 1B") and Shaw Dupont Citizens Alliance.

WITNESSETH

WHEREAS, Pilar is the holder of a Retailer's License Class CT for premises known as Bar Pilar located at 1833 14th Street, NW, Washington, DC 20009;

WHEREAS, Pilar entered into a Voluntary Agreement dated June 16, 2009 (the "Agreement"), which agreement was approved by the Alcoholic Beverage Control Board and remains in full force and effect;

WHEREAS, Pilar has now applied for a substantial change to its license, to allow Pilar to operate a rooftop summer garden (the "Summer Garden");

WHEREAS, the parties desire to enter into this Amendment whereby Pilar will adopt certain measures to address ANC 1B's and Shaw Dupont Citizens Alliance concerns, such measures to be formal conditions to the approval of the license conversion, in exchange for ANC 1B's and Shaw Dupont Citizens Alliance agreement to the substantial change and withdrawal of their protest.

NOW THEREFORE, in consideration of the mutual covenants and undertakings hereinafter set forth and other good and valuable consideration, Pilar and ANC 1B and Shaw Dupont Citizens Alliance hereby agree as follows.

A. Summer Garden Hours. Pilar hereby agrees that the Summer Garden shall remain open until the maximum permitted hours on the license for the establishment, but

will agree to close the retractable roof above the Summer Garden by 12:00 a.m. on Friday and Saturday nights (technically Saturday and Sunday mornings) and 11:00 p.m. on the evenings of Sunday through Thursday.

B. Summer Garden Capacity. Pilar hereby agrees that the "No. of Seats" for the Summer Garden set forth on the Certificate of Occupancy to be issued by the District of Columbia Department of Consumer and Regulatory Affairs for the Premises shall not exceed forty-five (45).

C. Entire Agreement. This Amendment and the Agreement set forth the entire understanding of the parties with respect to Pilar's alcoholic beverage license.

D. Withdrawal of Protest. In consideration of Pilar's agreement to the provisions of this Amendment, ANC 1B and Shaw Dupont Citizens Alliance supports Pilar's application for a substantial change, and hereby withdraws its protest to the application, and joins with Pilar in requesting that the substantial change be granted and the license be issued in accordance with the Board's normal procedures.

E. Use of entertainment endorsement on Summer Garden. Pilar agrees that it will not use its entertainment endorsement on the Summer Garden more than six times per year, and agrees that it will send a notice to the ANC and Shaw Dupont Citizens Alliance at least two weeks prior to each of the six such uses.

F. Full Force and Effect. Except as specifically provided herein, the Agreement remains in full force and effect.

G. Business Improvement District (BID) Pledge. ~~The Applicant hereby acknowledges that they are aware of efforts to form a BID in the neighborhood and pledges to contact the BID and explore ways to support its creation.~~ 

Pilar Hospitality Group, LLC

By: _____

Name: _____

Title: _____

Shaw Dupont Citizens Alliance

By: _____

Name: _____

Title: _____

Advisory Neighborhood Commission 1B12

By: _____

Name: _____

Title: _____

Advisory Neighborhood Commission 1B
(Chairman)

By: _____

Name: _____

Title: _____

Pilar Hospitality Group, LLC

By: _____

Name: _____

Title: _____

Shaw Dupont Citizens Alliance

By: Joan E. Sterling

Name: Joan E. Sterling

Title: President

Advisory Neighborhood Commission 1B

By: _____

Name: _____

Title: _____

Advisory Neighborhood Commission 1B
(Chairman)

By: _____

Name: _____

Title: _____