

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

_____)	
In the Matter of:)	
)	
Market Bars, LLC)	
t/a DC Reynolds)	
)	
Applicant for a New)	Case No. 11-PRO-00027
Retailer's Class CT License)	License No. ABRA-087045
)	Order No. 2011-360
at premises)	
3628 Georgia Avenue, N.W.)	
Washington, D.C. 20010)	
_____)	

Market Bars, LLC, t/a DC Reynolds (Applicant)

William E. Brown, Chairperson, Advisory Neighborhood Commission (ANC) 1A

BEFORE: Nick Alberti, Interim Chairperson
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member

**ORDER ON VOLUNTARY AGREEMENT AND
WITHDRAWAL OF PROTEST**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Market Bars, LLC, t/a DC Reynolds, Applicant for a new Retailer's Class CT License, located at 3628 Georgia Avenue, N.W., Washington, D.C., and ANC 1A have entered into a Voluntary Agreement (Agreement), dated July 13, 2011, that governs 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 and Chairperson William E. Brown and Commissioner Kent Boese, on behalf of ANC 1A, are signatories to the Agreement.

This Agreement constitutes a withdrawal of the Protest filed by ANC 1A of this Application.

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Accordingly, it is this 10th day of August 2011, **ORDERED** that:

1. The Application filed by Market Bars, LLC, t/a DC Reynolds for a new Retailer's Class CT License, located at 3628 Georgia Avenue, N.W., Washington, D.C., is **GRANTED**;
2. The Protest of ANC 1A in this matter is hereby **WITHDRAWN**;
3. The above-referenced Voluntary Agreement submitted by the Applicant and ANC 1A to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED**, except for the following modifications:

Section 2 (Nature of the Business) – The term “substantial change” shall be removed.

Section 8 (Rats and Vermin Control) – The term “Protestants” shall be replaced with “Board”.

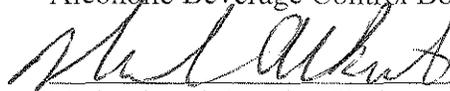
Section 11 (Participation in the Community) – The second and third sentences shall be removed.

The parties have agreed to these modifications.

4. Copies of this Order shall be sent to the Applicant and ANC 1A.

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District of Columbia
Alcoholic Beverage Control Board

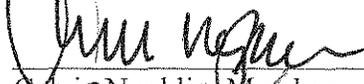


Nick Alberti, Interim Chairperson



Donald Brooks, Member

Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, 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, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.



ADVISORY NEIGHBORHOOD COMMISSION 1A

SMD 1A01 – Lisa Kralovic
SMD 1A04 – Betty Pair
SMD 1A07 – Thomas Boisvert
SMD 1A10 – Lenwood O. Johnson

SMD 1A02 – Vickey Wright-Smith
SMD 1A05 – Laina Aquiline
SMD 1A08 – Kent Boese

SMD 1A03 – Sheldon Scott
SMD 1A06 – William Brown
SMD 1A09 – Bobby Holmes
SMD 1A11 – Dotti Love Wade

VOLUNTARY AGREEMENT

THIS VOLUNTARY AGREEMENT (“Agreement”) is made on this 13th day of July 2011 by and between Market Bars, LLC t/a DC Reynolds (“Applicant”), and Advisory Neighborhood Commission 1A (“Protestant”), (collectively, the “Parties”).

WITNESSETH

WHEREAS, Applicant has applied for a License Class CT for a business establishment (“Establishment”) located at 3628-3630 Georgia Avenue, N.W., Washington, D.C. (“Premises”);

WHEREAS, Protestant is Advisory Neighborhood Commission 1A, who filed a timely protest (the “Protest”) against the issuance of the Applicant’s license application pursuant to D.C. Official Code § 25-601(1) and 601(4), respectively;

WHEREAS, the Parties have agreed to enter into this Agreement and request that the Alcoholic Beverage Control Board (“ABC Board”) approve the Applicant’s license application conditioned upon the Applicant’s compliance with the terms of this written Agreement; and

WHEREAS, the Parties are desirous of entering into a Voluntary Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to minimize the effect on (i) the peace, order and quiet of the neighborhood and (ii) pedestrian safety and vehicular traffic, and to eliminate the need for a Protest Hearing regarding the license application.

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. ***Nature of the Business.*** The Applicant will manage and operate a tavern with an emphasis on food and a variety of live entertainment as noted below. Any change from this model shall be considered by both Parties to be a substantial change in operation of great concern to residents and requires prior approval by the ABC Board.
3. ***Hours of Operation and Sales.*** The Applicant’s hours of operation shall be as follows:

Advisory Neighborhood Commission 1A
1380 Monroe Street NW #103
Washington, DC 20010



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SMD 1A01 – Lisa Kralovic
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SMD 1A11 – Dotti Love Wade

Sunday noon – 2:00 a.m.,
Monday through Thursday 11:00 a.m. – 2:00 a.m.,
Friday and Saturday 11:00 a.m. – 3:00 a.m.

The Applicant's hours for selling and serving alcohol shall be as follows:

Sunday noon – 2:00 a.m.,
Monday through Thursday 11:00 a.m. – 2:00 a.m.,
Friday and Saturday 11:00 a.m. – 3:00 a.m.

On special occasions the establishment may stay open later if permissible by DC law or ABRA.

4. **Floors Utilized and Occupancy.** The Applicant will operate its establishment on the 1st and 2nd floors of the building, basement and summer garden. The Establishment will have no more than are permissible by code and Fire regulations.
5. **Parking/Valet Arrangements.** It is a principal concern of the Protestants that the Applicant's operation of the Establishment does not create or exacerbate parking problems within the ANC boundaries. The Applicant will ensure that no vehicles are parked in the rear of the Establishment such that vehicles are on the abutting property.
6. **Noise and Privacy.** Applicant will strictly comply with D.C. Official Code § 25-725 and to that end shall make architectural improvements to the property and take all necessary actions to ensure that music, noise and vibration from the Establishment are not audible within the adjacent residential properties. Applicant agrees to implement sound suppression measures that will mitigate any noise from this tavern and summer garden that may be heard in surrounding resident's homes, including keeping its doors and windows closed when live music is being played at the establishment. If necessary, Applicant will take reasonable steps to reduce noise emanating from the Establishment from the opening of the entry or exit doors.
7. **Public Space and Trash.** Applicant shall keep the sidewalk (up to and including the curb), tree box(es), curb, and alley clean and free of litter, bottles, and other debris in compliance with D.C. Code and Municipal Regulations. Applicant shall police these areas sufficiently to assure that refuse and other materials are promptly removed. The Applicant agrees to obtain a dumpster to be placed in the rear of the building. Applicant shall ensure that the area around the dumpster is kept clean at all times and the dumpster is placed such that it does not encroach on the abutting property owners and so that no garbage is placed on the abutting property.

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- 8. **Rats and Vermin Control.** The Applicant shall provide rat and vermin control for its property. Applicant shall provide proof of its rat and vermin control contract upon the request of the Protestants. Applicant shall have the Establishment and the area around the Premises properly cleaned at the end of each night to ensure that there is not garbage and odors present the following morning.
- 9. **Security Cooperation in Stemming Illegal Drugs and Public Drinking.** Applicant agrees that it shall take all necessary steps to minimize security and crime issues, including, without limitation, designating a sufficient number of employees to assure adequate security and to control unruly patrons, whether inside or in the immediate outside area; monitoring for and prohibiting sales or use of illegal drugs within or about the Premises, maintaining contact and cooperating with MPD and other enforcement officials when known or suspected drug activities occur. Applicant shall to the full extent permissible by law discourage loitering in the vicinity of the Premises. This will include providing an appropriate number of security officers, when necessary, who shall be responsible for ensuring that any individuals who are simply loitering are asked to move along.
- 10. **License Ownership and Compliance with ABRA Regulations.** Applicant promises to Protestants that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licensees, and agrees that Protestants shall have standing to ask the ABC Board to enforce any violations of the agreement. Applicant also specifically agrees to be the sole owner of the ABC license.
- 11. **Participation in the Community.** Applicant agrees to seek to maintain open communication with the Protestants, and the community for which the ANC acts. To this end, Applicant shall from time to time be represented at ANC 1A public meetings, which currently occur on the second Wednesday of each month at 7:00 p.m. at the Harriet Tubman Elementary School, 3101 13th Street, N.W., Washington, D.C. 20010. Applicant, upon notice from the ANC shall send a representative of the Establishment to a meeting(s) to confer and deal in good faith with issues raised under this Agreement.
- 12. **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 60 days of the date of such notice. If Applicant or the licensee fails to cure within the 60-day period (or, with respect to a breach which reasonably requires more than 60-days to cure, fails to commence cure of such breach



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and diligently pursues such cure) failure shall constitute a cause for seeking a Show Cause Order from the ABC Board pursuant to D.C. 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:

Market Bars LLC
3628 Georgia Avenue, NW
Washington, DC, 20010
Attn: Jonathan Calvert
(703) 517-6662

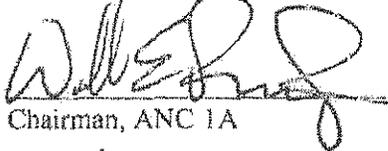
If to Protestants:

Advisory Neighborhood Commission 1A
1380 Monroe Street, NW, #103
Washington, DC, 20010
Attn: Bill Brown, Chairman
202-643-1206

Failure to give notice shall not constitute waiver or acquiescence to the violation, but notice shall be a prerequisite to the filing of a complaint with the ABC Board or any other enforcement action.

- 13. *Withdrawal of Protest.* Upon execution of this Agreement by the Parties and its acceptance by the ABC Board, Protestants shall withdraw the Protest.

PROTESTANT:

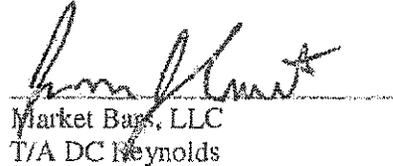


Chairman, ANC 1A



Commissioner ANC 1A08

APPLICANT:



Market Bars, LLC
T/A DC Reynolds



By: Printed Name/ Title