

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

<u>In the Matter of:</u>)	
)	
Par Bar, LLC)	
t/a H Street Country Club)	
)	
Substantial Change to a)	
Retailer's Class CT License)	License No. 76649
)	Order No. 2010- 341
at premises)	
1335 H Street, N.E.)	
Washington, D.C. 20002)	
)	

Par Bar, LLC, t/a H Street Country Club ("Applicant")

Kelvin Robinson, Chairperson, Advisory Neighborhood Commission 6A ("ANC 6A")

Robert Pittman, on behalf of the Linden Neighborhood Association ("Protestants")

BEFORE: Charles Brodsky, Chairperson
Mital M. Gandhi, Member
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Michael Silverstein, Member
Calvin Nophlin, Member

ORDER ON VOLUNTARY AGREEMENTS AND DISMISSAL OF PROTEST

The Substantial Change Application for a Retailer's Class CR License, having been protested, came before the Board on February 16, 2010, in accordance with D.C. Official Code § 25-601 (2001). The Linden Neighborhood Association ("Protestants") filed timely opposition on February 1, 2010. On January 29, 2010, the Board received an Addendum to Voluntary Agreement between the Applicant and Kelvin Robinson, on behalf of ANC 6A, although ANC 6A did not file a protest in this matter.

The official records of the Board reflect that the Applicant and the Protestants have entered into a Voluntary Agreement, dated April 14, 2010, 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.

The Board's official records also reflect that the Applicant and ANC 6A entered into a separate Addendum to Voluntary Agreement, dated November 17, 2009, that has also been reduced to writing and properly executed and filed with the Board.

The Board is approving these two Agreements and notes that where there are differences between the two Agreements with regard to the terms and conditions, the Agreement with the more restrictive terms will govern.

Accordingly, it is this 19th day of May 2010, **ORDERED** that:

1. The Application filed by Par Bar, LLC, t/a H Street Country Club, for a new Retailer's Class CT License located at 1335 H Street, N.E., Washington, D.C., is **GRANTED**;

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

3. This above-referenced Voluntary Agreements submitted by Applicant, ANC 6A, and Protestants to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except the phrase in Section 1(a) of the voluntary agreement between the Applicant and ANC 6A that reads:

"The hours for the patio will be until 11 PM on weekdays and 12 PM on weekends."

The phrase shall read:

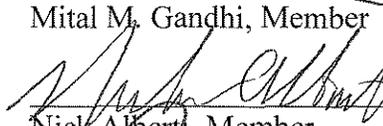
"The hours for the patio will be until 11 PM on weekdays and 12 AM on weekends."

4. Copies of this Order shall be sent to the Applicant, ANC 6A, and Protestants.

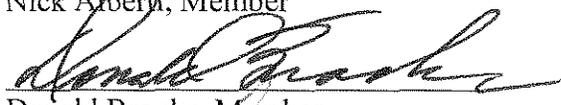
District of Columbia
Alcoholic Beverage Control Board



Mital M. Gandhi, Member



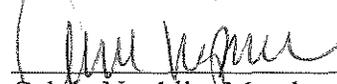
Nick Alberti, Member



Donald Brooks, Member

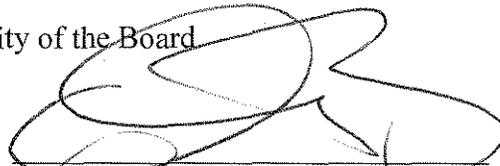


Michael Silverstein, Member (Abstain from voting on the voluntary agreement with Protestants)



Calvin Nophlin, Member (Abstain from voting on the voluntary agreement with Protestants)

I dissent from the position taken by the majority of the Board



Charles Brodsky, Chairperson



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, 1250 U Street, N.W., Third Floor, Washington, D.C. 20009.

Made this 17 day of November, 2009 by and between
Joe Englert
PAR BAR, LLC
(H Street Country Club)
1335 H Street NE,
Washington, DC, 20002
and
Advisory Neighborhood Commission 6A

The following agreement is made with regard to the substantial change filed for H Street Country Club, ABRA License # 076649, located at 1335 H Street, NE. The Voluntary Agreement between the parties listed above is amended with the following agreement which will become an addendum to the current VA.

- 1) In order to mitigate noise concerns on the roof top, the following steps will be taken:
- a) The hours for the patio will be until 11PM on weekdays and 12PM on weekends.
 - b) Applicant shall not offer any type of live or pre-recorded music on the patio.
 - c) Speakers and/or amplified sound is not allowed.
 - c) A 4 foot fence, wall or other barrier will enclose the entire perimeter.
 - d) No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume.
 - e) Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones.
 - f) Potted plants, trees, fountains or other types of noise mitigation techniques will be incorporated into the summer garden decor.
- 2) The entertainment endorsement must comply with all of the following terms:
- a) The entertainment will be provided only in indoor space of the establishment, not on the rooftop.
 - b) The entertainment will be limited to four nights during the year: July 4th, St. Patrick's Day, Halloween, and New Year's Eve. (The establishment may extend its hours on New Year's Eve.)

In Witness Whereof

The parties have affixed hereto their hands and seals.

Applicant:

By: Joseph A. Englert Date:
11/17/09

Signature: Joseph Fengler

Advisory Neighborhood Council 6A Representative:

By: Joseph Fengler Date: 12/10/09

Signature: Joseph Fengler

ABC Board-Licensed Manager:

By: Blair Zervos Date:

Signature: Blair Zervos

H Street Country Substantial Change Cooperative Agreement

This Cooperative Agreement is designed to reflect the concerns and issues of residents within 600 feet of the H Street Country Club located at 1335 H Street, N.E. in the Old City H Street neighborhood.

Whereas, this Cooperative Agreement is meant to be a document designed to provide clear understanding to the licensed establishment, resident, police or government agency as to how all concerned wish for the laws on public safety and public health to be managed in relation to the consumer who will use the services of the establishment;

Now, therefore, in consideration of the mutual covenants and conditions set forth below the Parties agree as follows:

Made this 14th day of April, 2010, by and between Joe Engert; Par Bar, LLC. trading as the H Street Country Club and officers of the Linden Neighborhood Association, Inc. hereby agree that:

H Street Country Club will make efforts to advertise to patrons to walk, cab, bike, and avoid parking in the nearby streets in the neighborhood. The Establishment will work with local government to promote public parking and public transportation when coming to the corridor.

All Parties have read and mutually agree to the provisions of this document now affix their seal and; Therefore the Protestants withdraw its protest of the H Street Country Club.

This Cooperative Agreement shall be executed in 3 (Three) counterparts, each of which shall constitute an original.

Parties to this action are:

Joe Engert
Owner
4/14/10
Date

[Signature]
Executive Officer
[Signature]
President
[Signature]
Secretary