PROPOSED AMENDMENT TO VOLUNTARY AGREEMENT

"NOISE COMPLIANCE PLAN"

WHEREAS, Licensee has applied for a renewal of license Class CT for a business establishment ("Establishment");

WHEREAS, the Residents [and ANC 2B] filed timely protest against the renewal of Licensee's license pursuant to D.C. Official Code § 25-601(4);

WHEREAS, the Parties have agreed to the terms of this Agreement and request that the Alcoholic Beverage Control Board ("ABC Board") approve the renewal of said license conditioned upon the Licensee's compliance with this Agreement;

WHEREAS, the Parties desire to settle the protest pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment; Compliance:

WHEREAS, the levels of amplified sound emanating from District of Columbia nightclubs individually and collectively has risen in recent years to the point that local residents are complaining that the noise is entering their homes, interfering with the quiet enjoyment of their homes, disturbing their sleep, and negatively impacting their property values;

WHEREAS, the District of Columbia Noise Control Act and regulations at section 25-725, as amended, requires nightclubs to contain amplified sound;

WHEREAS, the Licensee is familiar with and will comply with All DC noise Control Laws and Regulations and will take reasonable measures to ensure compliance;

WHEREAS, Licensee recognizes that compliance with the Noise Control Act is of paramount importance to current and future residents, and is essential to the District's plan to increase mixed use and population density;

NOW, THEREFORE, the Parties agree as follows:

- 1. Noise abatement: Licensee agrees to employ sufficient noise abatement measures to ensure that the level of amplified music produced by the establishment (if any) complies with applicable law and cannot be heard outside the club within 75 feet.
- Doors and windows: Licensee will make reasonable efforts to keep doors and windows closed, and implement procedures and mitigation measures to prevent noise from escaping from doors when patrons enter and leave.

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3. Outdoor spaces: Licensee agrees to minimize amplified music in outdoor spaces so that it cannot be heard by residents. Licensee has moved its outdoor speakers and changed some to control the sound from echoing to residence; has installed quite brace on the outside wall, has installed peace maker 6.4 mm on outside walls, has installed mineral wool batting inside the exterior slat walls; has installed final layer of sheeting on outside wall; and thus far has spent over \$30,000 in sounding proofing the outdoor area.

4. Compliance: Licensee agrees that:

- a. Licensee agrees to promptly lower amplified sound levels when it determines, or is informed, that sound levels are too high. The Licensee will be on notice that sound levels are too high if any of the following situations occurs:
 - i. Amplified 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 Licensee of complaints.

5. Continuing cooperation:

- a. Licensee will provide the Parties the name and phone number of the general manager, who is responsible for compliance. If residents contact this person, he/she will immediately determine whether sound levels are too high - and if so, promptly lower sound levels as needed to comply with this Agreement and the Noise Control Act. The Licensee will have 24 hours to respond to any noise complaints. The Licensee shall have thirty (30) days to cure sound level problems by establishing lower levels, adding additional sound abating materials, and/or developing policies to ensure ongoing compliance with this Agreement.
- b. Licensee will make good faith efforts to cooperate with other establishments to ensure that collective noise levels comply with the Noise Control Act.
- 6. Counterparts: This Agreement may be executed in counterparts, each of which shall be deemed as original, but all together shall constitute the same instrument.
- Withdrawal of protest: upon execution of this Agreement and its acceptance by the ties

ABC Board	d, the protest of the Licensee's application for license fill be deemed withdrawn.	
	September 10, 2014 NOVEMBER	
Ву:	Date:	

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By: 1	Avid KARim	Date: _	10/31/14	
DX	, Owner			
Ву:	gwo Melson	Date: _	19/31/14	
Carl Nelson, Group of Five Citizens from the Palladium Condominium				
Ву:	Noal mit	Date: _	11/10/14	
Noah Smith, Advisory Neighborhood Commission ANC2B				

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