

VOLUNTARY AGREEMENT

This Amendment to the Voluntary Agreement is made this 11 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),

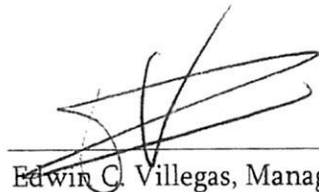
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Applicant may avail itself of such extended hours; and, (c) on January 1 of each year Applicant may operate until 4:00 a.m.

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

ABEA - 086803

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By: 
Noah Smith, Chairman

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

By: 
Carl Nelson, Residents' Representative