

## VOLUNTARY AGREEMENT

This Agreement, made and entered into this 21<sup>st</sup> day of May, 2009, by and between 1624 U Street, Inc. t/a Chi-Cha Lounge, 1624 U Street, N.W., Washington, D.C. (hereinafter the "Applicant") and Advisory Neighborhood Commission 2B (hereinafter "ANC 2B").

### RECITALS

WHEREAS, the Applicant has filed for a change from a Retailer's Class CR (Restaurant) license to a Retailer's Class CT (Tavern) license for premises known as 1624 U Street, N.W.; and

WHEREAS, ANC 2B has protested the Application subject to the negotiation of a Voluntary Agreement; and

WHEREAS, the parties desire to enter into this Voluntary Agreement in exchange for ANC 2B's protest of the application being withdrawn; and

NOW, therefore, in consideration of the Recitals set forth above, and the mutual covenants and agreements hereinafter set forth, the parties agree as follows:

1. Hours of Operation. The hours of operation of the Applicant shall be consistent with the hours approved by the ABC Board and listed on the present Class CR license, to wit: Monday-Thursday 11:30 am to 2:00 am and Friday-Saturday 11:30 am to 3:00 am.
2. Menu Offering and Hours of Food Service. Applicant shall continue to offer a full menu to include appetizers, salads, soups, entrees, and desserts. Applicant may offer a late night (light) menu after 11:00 p.m. Applicant's kitchen shall remain open to customers until two (2) hours before termination of alcoholic beverage service.
3. Entertainment Endorsement. Applicant shall continue to offer entertainment as approved by the ABC Board and consistent with the Entertainment Endorsement to the ABC license.
4. Noise. Applicant acknowledges that, historically, noise concerns have been more acute in warmer months. Applicant agrees to provide greater vigilance to address this concern during the warmer months. With respect to Applicant's abutting property owner above the licensed premises, affirmative actions have been undertaken and will continue as is practicable to reduce sound levels emanating from the licensed premises consistent with a separate agreement entered into with abutting property owner Joseph Masullo.
5. Change of License Class Approval. ANC 2B hereby withdraws its protest and joins in with the Applicant in requesting the Alcoholic Beverage Control Board of the District of Columbia approve the application for change in class submitted by Applicant conditioned

upon Applicant's compliance with the terms of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Voluntary Agreement as of the day and year first above written.

APPLICANT:

1624 U STREET, INC.

ADVISORY NEIGHBORHOOD  
COMMISSION 2B

By: Nesrin Abaza  
Nesrin Abaza, Vice President

By: [Signature]  
Chairperson